TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

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CHAPTER 1—THE BUREAU OF INSULAR AFFAIRS

§ 1. Omitted

CODIFICATION

Section, act July 1, 1902, ch. 1369, § 87, 32 Stat. 712, provided that the Division of Insular Affairs of the War Department should be known as the Bureau of Insular Affairs and prescribed its business.

By Ex. Ord. No. 6726, eff. May 29, 1934, the Division of Territories and Island Possessions was established in the Department of the Interior, and the functions of the Bureau pertaining to the administration of the Government of Puerto Rico, together with the personnel, equipment and funds, were transferred thereto.

By Reorg. Plan No. II of 1939, § 4(d), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, the Bureau of Insular Affairs of the War Department and its functions were transferred to the Department of the Interior and consolidated with the Division of Territories and Island Possessions, to be administered under the direction and supervision of the Secretary of the Interior. The office of the Chief of the Bureau and offices subordinate thereto provided for in section 14 of act June 4, 1920, ch. 227, 41 Stat. 769, were abolished and all their functions transferred to, and were to be exercised by, the Director of the Division of Territories and Island Possessions.

§ 2. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, acts June 3, 1916, ch. 134, § 14, 39 Stat. 176; June 4, 1920, ch. 227, subch. I, § 14, 41 Stat. 769, prescribed the composition of the Bureau of Insular Affairs.

§ 3. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 640

Section, acts June 25, 1906, ch. 3528, 34 Stat. 456; June 4, 1920, ch. 227, subch. I, § 14, 41 Stat. 769, provided for the appointment of the Chief of the Bureau.

§§ 4, 5. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section 4, acts Mar. 2, 1907, ch. 2511, 34 Stat. 1162; Mar. 23, 1910, ch. 115, 36 Stat. 248, authorized the Secretary of War to detail an Army officer to act as assistant to the Chief of the Bureau of Insular Affairs of the War Department and directed that the provisions of law as to transfer of officers of the line to a department for tours of service would apply to the vacancy created by this section and to the return of the detailed officer to the Army.

Section 5, act Mar. 23, 1910, ch. 115, 36 Stat. 248, authorized the Secretary of War to detail one additional Army officer as assistant to the Chief of the Bureau of Insular Affairs under the same provisions in regard to vacancies and return as provided in section 4 of this title.

CHAPTER 2—ALASKA

ADMISSION AS STATE

Alaska was admitted into the Union on January 3, 1959, upon issuance of Proc. No. 3269, eff. Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, set out below, as required by sections 1 and 8(c) of the Alaska Statehood Law, Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out below.

ALASKA STATEHOOD

Pub. L. 85-508, July 7, 1958, 72 Stat. 339, as amended, provided:

"[Sec. 1. Declaration; acceptance, ratification, and confirmation of Constitution.] That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 8(c) of this Act, the State of Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Alaska entitled, 'An Act to provide for the holding of a constitutional convention to prepare a constitution for the State of Alaska; to submit the constitution to the people for adoption or rejection; to prepare for the admission of Alaska as a State; to make an appropriation; and setting an effective date', approved March 19, 1955 (Chapter 46, Session Laws of Alaska, 1955), and adopted by a vote of the people of Alaska in the election held on April 24, 1956, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

"Sec. 2. [Territory.] The State of Alaska shall consist of all the territory, together with the territorial

waters appurtenant thereto, now included in the Territory of Alaska.

"Sec. 3. [Constitution.] The constitution of the State of Alaska shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

"Sec. 4. [Compact with United States; disclaimer of right and title to lands or other property; taxation.] As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property (including fishing rights), the right or title to which may be held by said natives or is held by the United States in trust for said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation: *Provided*, That nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act: *And provided further*, That no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation. (As amended Pub. L. 86-70, § 2(a), June 25, 1959, 73 Stat. 141.)

"Sec. 5. [Title to property.] The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

"Sec. 6. [Selection from public lands; fish and wildlife resources; public school support; mineral leases, permits, leases, or contracts; mineral land grants; schools and colleges; confirmation of grants; internal improvements; submerged lands.]

"(a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied: *Provided further*, That for the purposes of this section the term 'public lands of the United States in Alaska which are vacant, unappropriated, and unreserved' shall include, without limiting the use thereof, the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals.

"(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: *And provided further*, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

"(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

"(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

"(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., secs 192-211), as amended, and under the provisions of the Alaska commercial fisheries, laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., secs. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section 8(a) of the Act of September 2, 1937, as amended (16 U.S.C., sec. 669g-1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U.S.C., sec. 777k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the

Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea otter skins made in accordance with the provisions of the Fur Seal Act of 1966 [section 1151 et seq. of Title 16, Conservation]. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Fur Seal Act of 1966, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands, and the payments made to any municipal corporation established pursuant to section 206 of the Fur Seal Act of 1966 [section 1166 of title 16] and to the civil service retirement and disability fund pursuant to section 208 of the Fur Seal Act of 1966 [section 1168 of title 16]. In administering the Pribilof Islands fund established by section 407 of the Fur Seal Act of 1966 [section 1187 of title 16], the Secretary shall consult with the State of Alaska annually. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Fur Seal Act of 1966 and the Northern Pacific Halibut Act of 1937 (16 U.S.C. 772–772i). (As amended Pub. L. 89–702, title IV, § 408(b), Nov. 2, 1966, 80 Stat. 1098.)

"(f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

"(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection or, in the case of selections under subsec. (a) of this section, one hundred and sixty acres. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words 'equitable claims subject to allowance and confirmation' include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

"(h) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 and the following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U.S.C. [1] 432 and the following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless an application to select such lands is filed with the Secretary of the Interior within a period of ten years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act. When all of the lands subject to a lease, permit, license, or contract are selected, the patent for the lands so selected shall vest in the State of Alaska all the right, title, and interest of the United States in and to that lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all the rentals, royalties, and other payments accruing after that date under that lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of that lease, permit, license, or contract: *Provided*, That nothing herein contained shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder. Where only a portion of the lands subject to a lease, permit, license, or contract are selected, there shall be reserved to the United States the mineral or minerals subject to that lease, permit, license, or contract, together with such further rights as may be necessary to the full and complete enjoyment of all rights, privileges, and benefits under or with respect to that lease, permit, license, or contract; upon the termination of the lease, permit, license, or contract, title to the minerals so reserved to the United States shall pass to the State of Alaska.

"(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

"(j) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental subdivisions, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

"(k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U.S.C., sec. 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 30 U.S.C., sec. 191), as amended, are repealed and all lands therein reserved under the provisions of sec-

[1] So in original. Probably should read "48 U.S.C.".

tion 1 as of the date of this Act [July 7, 1958] shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.

"(*l*) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U.S.C., sec. 857), and in lieu of the swampland grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U.S.C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C., secs. 301-308), which grants are hereby declared not to extend to the State of Alaska.

"(m) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder. (As amended Pub. L. 86-70, § 2(b), June 25, 1959, 73 Stat. 141; Pub. L. 86-173, Aug. 18, 1959, 73 Stat. 395; Pub. L. 86-786, §§ 3, 4, Sept. 14, 1960, 74 Stat. 1025; Pub. L. 88-135, Oct. 8, 1963, 77 Stat. 223; Pub. L. 88-289, Mar. 25, 1964, 78 Stat. 169.)

"Sec. 7. [Certification by President; proclamation for elections.] Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include two Senators and one Representative in Congress.

"Sec. 8. [Election of officers; date; propositions; certification of voting results; proclamation by President; laws in effect.]

"(a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: *Provided*, That the general election shall not be held later than December 1, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for other elective offices provided for in the constitution of the proposed State of Alaska may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Alaska for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Alaska may prescribe. The Governor of Alaska shall certify the results of said elections to the President of the United States.

"(b) At an election designated by proclamation of the Governor of Alaska, which may be the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, by separate ballot on each, the following propositions:

"'(1) Shall Alaska immediately be admitted into the Union as a State?

"'(2) The boundaries of the State of Alaska shall be as prescribed in the Act of Congress approved —— and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"'(3) All provisions of the Act of Congress approved —— reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people.'

"In the event each of the foregoing propositions is adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Alaska, ratified by the people at the election held on April 24, 1956, shall be deemed amended accordingly. In the event any one of the foregoing propositions is not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

"The Governor of Alaska is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Alaska, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

"(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Alaska, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 7 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act.

"Until the said State is so admitted into the Union, all of the officers of said Territory, including the Delegate in Congress from said Territory, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Alaska into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

"(d) Upon admission of the State of Alaska into the Union as herein provided, all of the Territorial laws then in force in the Territory of Alaska shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term 'Territorial laws' includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Alaska prior to the admission of the State of Alaska into the Union, and the term 'laws of the United States' includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of the admission of the State of Alaska into the Union, (2) are not 'Territorial laws' as defined in this paragraph, and (3) are not in conflict with any other provisions of this Act.

"Sec. 9. [House of Representatives membership.] The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided*, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

"Sec. 10. [National defense withdrawals; jurisdiction.]

"(a) The President of the United States is hereby authorized to establish, by Executive order or proclamation, one or more special national defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

"(b) Special national defense withdrawals established under subsection (a) of this section shall be confined to those portions of Alaska that are situated to the north or west of the following line: Beginning at the point where the Porcupine River crosses the international boundary between Alaska and Canada; thence along a line parallel to, and five miles from, the right bank of the main channel of the Porcupine River to its confluence with the Yukon River; thence along a line parallel to, and five miles from, the right bank of the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160 degrees west of Greenwich; thence south to the intersection of said meridian with the Kuskokwim River; thence along a line parallel to, and five miles from the right bank of the Kuskokwim River to the mouth of said river; thence along the shoreline of Kuskokwim Bay to its intersection with the meridian of longitude 162 degrees 30 minutes west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 57 degrees 30 minutes north; thence east to the intersection of said parallel with the meridian of longitude 156 degrees west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50 degrees north.

"(c) Effective upon the issuance of such Executive order or proclamation, exclusive jurisdiction over all special national defense withdrawals established under this section is hereby reserved to the United States, which shall have sole legislative, judicial, and executive power within such withdrawals, except as provided hereinafter. The exclusive jurisdiction so established shall extend to all lands within the exterior boundaries of each such withdrawal, and shall remain in effect with respect to any particular tract or parcel of land only so long as such tract or parcel remains within the exterior boundaries of such a withdrawal. The laws of the State of Alaska shall not apply to areas within any special national defense withdrawal established under this section while such areas remain subject to the exclusive jurisdiction hereby authorized: *Provided, however*, That such exclusive jurisdiction shall not prevent the execution of any process, civil or criminal, of the State of Alaska, upon any person found within said withdrawals: *And provided further*, That such exclusive jurisdiction shall not prohibit the State of Alaska from enacting and enforcing all laws necessary to establish voting districts, and the qualification and procedures for voting in all elections.

"(d) During the continuance in effect of any special national defense withdrawal established under this section, or until the Congress otherwise provides, such exclusive jurisdiction shall be exercised within each such withdrawal in accordance with the following provisions of law:

"(1) All laws enacted by the Congress that are of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable within the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title, shall apply to all areas within such withdrawals.

"(2) In addition, any areas within the withdrawals that are reserved by Act of Congress or by Executive action for a particular military or civilian use of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any other areas within the withdrawals shall be subject to all laws enacted by the Congress that are of general application to lands withdrawn for defense purposes of the United States.

"(3) To the extent consistent with the laws described in paragraphs (1) and (2) of this subsection and with regulations made or other actions taken under their authority, all laws in force within such withdrawals immediately prior to the creation thereof by Executive order or proclamation shall apply within the withdrawals and, for this purpose, are adopted as laws of the United States: *Provided, however*, That the laws of the State or Territory relating to the organization or powers of municipalities or local political subdivisions, and the laws or ordinances of such municipalities or political subdivisions shall not be adopted as laws of the United States.

"(4) All functions vested in the United States commissioners by the laws described in this subsection shall continue to be performed within the withdrawals by such commissioners.

"(5) All functions vested in any municipal corporation, school district, or other local political subdivision by the laws described in this subsection shall continue to be performed within the withdrawals by such corporation, district, or other subdivision, and the laws of the State or the laws or ordinances of such municipalities or local political subdivision shall remain in full force and effect notwithstanding any withdrawal made under this section.

"(6) All other functions vested in the government of Alaska or in any officer or agency thereof, except judicial functions over which the United States District Court for the District of Alaska is given jurisdiction by this Act or other provisions of law, shall be performed within the withdrawals by such civilian individuals or civilian agencies and in such manner as the President shall from time to time, by Executive order, direct or authorize.

"(7) The United States District Court for the District of Alaska shall have original jurisdiction, without regard to the sum or value of any matter in controversy, over all civil actions arising within such withdrawals under the laws made applicable thereto by this subsection, as well as over all offenses committed within the withdrawals.

"(e) Nothing contained in subsection (d) of this section shall be construed as limiting the exclusive jurisdiction established in the United States by subsection (c) of this section or the authority of the Congress to implement such exclusive jurisdiction by appropriate legislation, or as denying to persons now or hereafter residing within any portion of the areas described in subsection (b) of this section the right to vote at all elections held within the political subdivisions as prescribed by the State of Alaska where they respectively reside, or as limiting the jurisdiction conferred on the United States District Court for the District of Alaska by any other provision of law, or as continuing in effect laws relating to the Legislature of the Territory of Alaska. Nothing contained in this section shall be construed as limiting any authority otherwise vested in the Congress or the President.

"Sec. 11. [Mount McKinley National Park; military and naval lands; civil and criminal jurisdiction.]

"(a) Nothing in this Act shall affect the establishment, or the right, ownership, and authority of the United States in Mount McKinley National Park, as now or hereafter constituted; but exclusive jurisdic-

tion, in all cases, shall be exercised by the United States for the national park, as now or hereafter constituted; saving, however, to the State of Alaska the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective political subdivisions of their residence in which the park is situated.

"(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, including naval petroleum reserve numbered 4, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided*, (i) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes. The provisions of this subsection shall not apply to lands within such special national defense withdrawal or withdrawals as may be established pursuant to section 10 of this Act until such lands cease to be subject to the exclusive jurisdiction reserved to the United States by that section.

"Sec. 12. [Judicial and criminal provisions; amendment.]

"Effective upon the admission of Alaska into the Union—

"(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is amended by inserting immediately after and underneath item 81 of such analysis, a new item to be designated as item 81A and to read as follows:

"'81A. Alaska';

"(b) Title 28, United States Code, is amended by inserting immediately after section 81 thereof a new section, to be designated as section 81A, and to read as follows:

"'§ 81A. Alaska.

"'Alaska constitutes one judicial district.

"'Court shall be held at Anchorage, Fairbanks, Juneau, and Nome.';

"(c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such section immediately above the item: 'Arizona * * * 2', a new item as follows: 'Alaska * * * 1';

"(d) The first paragraph of section 373 of title 28, United States Code, as heretofore amended, is further amended by striking out the words: 'the District Court for the Territory of Alaska,': *Provided*, That the amendment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;

"(e) The words 'the District Court for the Territory of Alaska,' are stricken out wherever they appear in sections 333, 460, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;

"(f) The first paragraph of section 1252 of title 28, United States Code, is further amended by striking out the word 'Alaska,' from the clause relating to courts of record;

"(g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;

"(h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: 'including the District Court for the Territory of Alaska,';

"(i) Section 3241 of title 18, United States Code, is amended by striking out the words: 'District Court for the Territory of Alaska, the';

"(j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words: 'for Alaska or';

"(k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: 'the Territory of Alaska,';

"(l) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: 'the Territory of Alaska,';

"(m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: 'and of the District Court for the Territory of Alaska';

"(n) Subsection (q) of section 376 of title 28, United States Code, is amended by striking out the words: 'the District Court for the Territory of Alaska,': *Provided*, That the amendment made by this subsection shall not affect the rights under such section 376 of any present or former judge of the District Court for the Territory of Alaska or his survivors;

"(o) The last paragraph of section 1963 of title 28, United States Code, is repealed;

"(p) Section 2201 of title 28, United States Code, is amended by striking out the words: 'and the District Court for the Territory of Alaska'; and

"(q) Section 4 of the Act of July 28, 1950 (64 Stat. 380; 5 U.S.C., sec. 341b) is amended by striking out the word: 'Alaska,'.

"Sec. 13. [Continuation of suits.]

"No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State of Alaska into the Union, but the same shall be transferred and proceeded with as hereinafter provided.

"All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed

against the laws of the United States shall be tried and punished in the United States District Court for the District of Alaska.

"Sec. 14. [Appeals.] All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this Act had not been passed. All cases in which final judgment has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require: *Provided,* That the time allowed by existing law for appeals from the district court for said Territory shall not be enlarged thereby.

"Sec. 15. [Transfer of cases.] All causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the District of Alaska for final disposition and enforcement in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts. All other causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

"Sec. 16. [Succession of courts.] Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

"Sec. 17. [Pending cases in the District Court for the Territory of Alaska.] All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.

"Sec. 18. [Jurisdiction of District Court; termination date.] The provisions of the preceding sections with respect to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.

"Sec. 19. [Federal Reserve Act; amendment.] The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: 'When the State of Alaska is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section.'

"Sec. 20. [Reservation of coal lands; repeal.] Section 2 of the Act of October 20, 1914 (38 Stat. 742, 48 U.S.C., sec. 433), is hereby repealed.

"Sec. 21. [United States Nationality.] Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, nor restore nationality heretofore lost under any law of the United States or under any treaty to which the United States may have been a party.

"Sec. 22. [Immigration and Nationality Act; amendment.] Section 101(a)(36) of the Immigration and Nationality Act (66 Stat. 170, 8 U.S.C., sec. 1101(a)(36)) is amended by deleting the word 'Alaska,'.

"Sec. 23. [Immigration and Nationality Act; amendment.] The first sentence of section 212(d)(7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C., sec. 1182(d)(7)) is amended by deleting the word 'Alaska,'.

"Sec. 24. [Persons born in Alaska on or after March 30, 1867.] Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 304 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C., sec. 1404).

"Sec. 25. [Immigration and Nationality Act; amendment.] The first sentence of section 310(a) of the Immigration and Nationality Act (66 Stat. 239, 8 U.S.C., sec. 1421(a)) is amended by deleting the words 'District Courts of the United States for the Territories of Hawaii and Alaska' and substituting therefor the words 'District Court of the United States for the Territory of Hawaii'.

"Sec. 26. [Immigration and Nationality Act; amendment.] Section 344(d) of the Immigration and Nationality Act (66 Stat. 265, 8 U.S.C., sec. 1455(d)) is amended by deleting the words 'in Alaska and'.

"Sec. 27. [Transportation by water.]

"(a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C., sec. 883), is further amended by striking out the word 'excluding' and inserting in lieu thereof the word 'including'.

"(b) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and

other ports in the United States, its Territories or possessions, or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

"Sec. 28. [Mines and mining.]

"(a) The last sentence of section 9 of the Act entitled 'An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes', approved October 20, 1914 (48 U.S.C. 439), is hereby amended to read as follows: 'All net profits from operation of Government mines, and all bonuses, royalties, and rentals under leases as herein provided and all other payments received under this Act shall be distributed as follows as soon as practicable after December 31 and June 30 of each year: (1) 90 per centum thereof shall be paid by the Secretary of the Treasury to the State of Alaska for disposition by the legislature thereof; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.'

"(b) Section 35 of the Act entitled 'An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain', approved February 25, 1920, as amended (30 U.S.C. 191), is hereby amended by inserting immediately before the colon preceding the first proviso thereof the following: ', and of those from Alaska 52½ per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof'.

"Sec. 29. [Separability clause.] If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

"Sec. 30. [Repeal of inconsistent laws.] All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed."

Alaska Omnibus Act

Pub. L. 86-70, June 25, 1959, 73 Stat. 141, as amended, provided:

"[Sec. 1. Short Title.] That this Act may be cited as the 'Alaska Omnibus Act'.

"Sec. 2 [Federal jurisdiction.] (a) Section 4 of the Act of July 7, 1958 (72 Stat. 339) [set out above], providing for the admission of the State of Alaska into the Union, is amended by striking out the words 'all such lands or other property, belonging to the United States or which may belong to said natives', and inserting in lieu thereof the words 'all such lands or other property (including fishing rights), the right or title to which may be held by said natives or is held by the United States in trust for said natives'.

"(b) Section 6(e) of said Act is amended by striking out the word 'legislative' and inserting in lieu thereof the word 'calendar'.

"Sec. 3. [Termination of application of certain Federal laws.] Any Territorial law, as that term is defined in section 8(d) of the Act of July 7, 1958 (72 Stat. 339, 344) [set out above], providing for the admission of the State of Alaska into the Union—

"(a) which provides for the regulation of commerce within Alaska by an agency of the United States, and

"(b) the application of which to the State of Alaska is continued solely by reason of such section 8(d), shall cease to apply to the State of Alaska on June 30, 1961, or on the effective date of any law enacted by the Legislature of the State of Alaska which modifies or changes such Territorial law, whichever occurs first.

"Sec. 4. [Sugar Act; amendment.] Section 101 of the Sugar Act of 1948, as amended (7 U.S.C., supp. V, sec. 1101), is further amended by adding thereto a new subsection, to be designated subsection '(o)' and to read as follows:

"'(o) The term "continental United States" means the 49 States and the District of Columbia.'

"Sec. 5. [Soil Bank Act; amendment.] Section 113 of the Soil Bank Act (7 U.S.C., supp. V, sec. 1837), is amended to read as follows: 'This subtitle B shall apply to the continental United States, except Alaska, and, if the Secretary determines it to be in the national interest, to the State of Alaska, the Territory of Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands, and as used in this subtitle B, the term "State" includes Hawaii, Puerto Rico, and the Virgin Islands.'

"Sec. 6. [Armed Forces; amendment.] (a) Title 10, United States Code, section 101(2), is amended by striking out the words 'Alaska, Hawaii,' and inserting in lieu thereof the word 'Hawaii'.

"(b) Title 10, United States Code, sections 802(11) and 802(12), are each amended by striking out the words 'that part of Alaska east of longitude 172 degrees west,'.

"(c) Title 10, United States Code, section 2662(c), is amended by striking out the word 'Alaska,'.

"Sec. 7. [National Bank Act; amendment.] Section 5192 of the Revised Statutes, as amended (12 U.S.C. 144), is further amended by striking out the words 'in Alaska or'.

"Sec. 8. [Federal Reserve Act; amendment.] (a) Section 1 of the Federal Reserve Act, as amended (12 U.S.C. 221), is further amended by deleting the period at the end of such section and inserting in lieu thereof the following: '; the term "the continental United States" means the States of the United States and the District of Columbia.'

"(b) Section 19 of the Federal Reserve Act, as amended (12 U.S.C. 466), is further amended by striking the words 'in Alaska or'.

"Sec. 9. [Home Loan Bank Board.] (a) Paragraph (3) of section 2 of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1422(3)), is further amended by striking out the words 'Territories of Alaska and Hawaii' and inserting in lieu thereof the words 'Territory of Hawaii'.

"(b) Section 7 of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1466), is further amended by striking out the words 'continental United States, to the Territories of Alaska and Hawaii' and inserting in lieu thereof the words 'continental United States (including Alaska), to the Territory of Hawaii'.

"Sec. 10. [National Housing Act; amendment.] The National Housing Act is amended by—

"(a) striking out the word 'Alaska,' in sections 9, 201(d), 207(a)(7), 601(d), 713(q), and 801(g) (12 U.S.C., secs. 1706d, 1707(d), 1713(a)(7), 1736(d), 1747*l*(q); supp. V, sec. 1748(g));

"(b) striking out the words 'the Territory of Alaska,' in section 207(c)(2) (12 U.S.C., supp. V, sec. 1713(c)(2)), and inserting the word 'Alaska' in lieu thereof;

"(c) by striking out the words 'the Territory of Alaska or in Guam' in section 214 (12 U.S.C., supp. V, sec. 1715d; 48 U.S.C., supp. V, sec. 484d), and inserting the words 'Alaska, Guam,' in lieu thereof; and

"(d) striking out the words 'Territory' in the two places where it appears in section 806 (12 U.S.C., supp. V, sec. 1748e), and inserting the word 'State' in lieu thereof.

"Sec. 11. [Coast Guard; amendment.] Title 14, United States Code, section 634(b), is amended by striking out the words 'and for the territory of' in both places where they appear therein.

"Sec. 12. [Securities and Exchange Commission.] (a) Paragraph (6) of section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b(6)), is further amended by striking out the word 'Alaska,'.

"(b) Paragraph (16) of section 3(a) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c(a)(16)), is further amended by striking out the word 'Alaska,'.

"(c) Paragraph (18) of section 202(a) of the Investment Advisers Act of 1940, as amended (15 U.S.C. 80b-

2(a)(18)), is further amended by striking out the word 'Alaska,'.

"(d) Paragraph (37) of section 2(a) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a-2(a)(37)), is further amended by striking out the word 'Alaska,'.

"(e) Paragraph (1) of section 6(a) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a-6(a)(1)), is further amended by striking out the word 'Alaska,'.

"Sec. 13. [Soil Conservation.] (a) Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C., supp. V, sec. 590h(b)), is further amended by inserting, immediately following the words 'continental United States', the words ', except in Alaska'.

"(b) Section 17(a) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590q(a)), is further amended by striking out the words 'the United States, the Territories of Alaska and Hawaii' and inserting in lieu thereof the words 'the States, the Territory of Hawaii', and by striking out the word 'Alaska' the second time it appears therein.

"Sec. 14. [Bald Eagles.] Section 1 of the Act of June 8, 1940 (16 U.S.C. 668), is amended by striking out the words 'except the Territory of Alaska,'.

"Sec. 15. [Wildlife restoration.] Section 8(a) of the Act of September 2, 1937, as amended (16 U.S.C., supp. V, sec. 669g-1), is further amended by striking out the words 'the Alaska Game Commission,', 'said Territory of Alaska,', 'not exceeding $75,000 for Alaska, and', and 'the Territory of Alaska,'.

"Sec. 16. [Fish restoration.] Section 12 of the Act of August 9, 1950, as amended (16 U.S.C., supp. V, sec. 777k), is further amended by striking out the words 'the Alaska Game Commission,', 'said Territory of Alaska,', 'not exceeding $75,000 for Alaska, and', and 'the Territory of Alaska,'.

"Sec. 17. [Criminal Code; amendments.] (a) Title 18, United States Code, section 5024, is amended by striking out the words 'other than Alaska' and inserting in lieu thereof the words 'including Alaska'.

"(b) Section 6 of the Act of August 25, 1958 (72 Stat. 845, 847), is amended by striking out the words 'other than Alaska' and inserting in lieu thereof the words 'including Alaska'.

"(c) Subsections (a) and (b) of this section shall be effective on July 7, 1961, or on the date of the Executive order referred to in section 18 of the Act of July 7, 1958 (72 Stat. 339, 350), providing for the admission of the State of Alaska into the Union, whichever occurs first.

"(d) Title 18, United States Code, section 1385, is amended by deleting the last sentence thereof.

"Sec. 18. [Education.] (a)(1) Subsection (a) of section 103 of the National Defense Education Act of 1958 (72 Stat. 1580, 1582), relating to definition of State, is amended by striking out 'Alaska,' each time it appears.

"(2) Paragraph (3)(B) of section 302(a) of such Act (72 Stat. 1580, 1588), relating to definition of continental United States for purposes of allotments for science, mathematics and modern foreign language instruction equipment, is amended by striking out 'does not include Alaska' and inserting in lieu thereof 'includes Alaska'.

"(3) Section 1008 of such Act (72 Stat. 1580, 1605), relating to allotments to territories, is amended by striking out 'Alaska,'.

"(b)(1) Section 4 of the Act of February 23, 1917 (20 U.S.C. 14), relating to allotments for teacher-training, is amended by striking out '$90,000' and inserting in lieu thereof '$98,500'. The proviso in the last paragraph of section 5 of such Act (20 U.S.C. 16) and so much of section 12 of such Act (20 U.S.C. 22) as follows the last semicolon shall not be applicable to Alaska prior to the third fiscal year which begins after the enactment of this Act.

"(2) Paragraph (1) of section 2 of the Vocational Education Act of 1946 (20 U.S.C. 15i), relating to definition of States and Territories, is amended by striking out 'the Territories of Alaska and Hawaii' and inserting in lieu thereof 'the Territory of Hawaii'.

"(3) Subsection (e) of section 210 (20 U.S.C., supp. V, sec. 15jj(e)), and subsection (a) of section 307 of such Act (72 Stat. 1580, 1600), relating to definition of State, are each amended by striking out 'Alaska,'.

"(c) Paragraph (13) of section 15 of the Act of September 23, 1950, as amended (72 Stat. 548, 558), relating to definition of State, is amended by striking out 'Alaska,'.

"(d)(1) The material in the parentheses in the first sentence of subsection (d) of section 3 of the Act of September 30, 1950, as amended, relating to determination of local contribution rate, is amended to read: '(other than a local educational agency in Hawaii, Puerto Rico, Wake Island, Guam, or the Virgin Islands, or in a State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency)'.

"(2) The fourth sentence of such subsection is amended by inserting '(including Alaska)' after 'continental United States' the first time it appears in such sentence. The fifth sentence of such subsection is amended by inserting '(including Alaska)' after 'continental United States' the second time it appears in such sentence.

"(3) The last sentence of such subsection is amended by striking out 'Alaska,' and by inserting after 'the Virgin Islands,' the following: 'or in any State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency,'.

"(4) Paragraph (8) of section 9 of such Act (20 U.S.C., supp. V, sec. 244(8)), relating to definition of State, is amended by striking out 'Alaska,'.

"Sec. 19. [Importation of milk and cream.] Subsection (b) of section 9 of the Act of February 15, 1927 (21 U.S.C. 149(b)), is amended by inserting the words, ', including Alaska' immediately following the words 'continental United States'.

"Sec. 20. [Opium Poppy Control.] Section 12 of the Opium Poppy Control Act of 1942 (21 U.S.C. 188k) is amended by deleting therefrom the words 'the Territory of Alaska,'.

"Sec. 21. [Highways.] (a) The Secretary of Commerce shall transfer to the State of Alaska by appropriate conveyance without compensation, but upon such terms and conditions as he may deem desirable, all lands or interests in lands, including buildings and fixtures, all personal property, including machinery, office equipment, and supplies, and all records pertaining to roads in Alaska, which are owned, held, administered by, or used by the Secretary in connection with the activities of the Bureau of Public Roads in Alaska, (i) except such lands or interests in lands, including buildings and fixtures, personal property, including machinery, office equipment, and supplies, and records as the Secretary may determine are needed for the operations, activities, and functions of the Bureau of Public Roads in Alaska after such transfer, including services or functions performed pursuant to section 44 of this Act; and (ii) except such lands or interests in lands as he or the head of any other Federal agency may determine are needed for continued retention in Federal ownership for purposes other than or in addition to road purposes.

"(b) Notwithstanding any other provision of this section, any contract entered into by the Federal Government in connection with the activities of the Bureau of Public Roads in Alaska which has not been completed on the date of the transfer provided under subsection (a) hereof may be completed according to the terms thereof.

"(c)(1) The State of Alaska shall be responsible for the maintenance of roads, including bridges, tunnels, and ferries, transferred to it under subsection (a) of this section, as long as any such road is needed for highway purposes.

"(2) Federal-aid funds apportioned to Alaska under title 23, United States Code, for fiscal year 1960 and prior fiscal years, and unobligated on the date of enactment of this Act, may be used for maintenance of highways on the Federal-aid systems in Alaska.

"(d) Effective July 1, 1959, the following provisions of law are repealed:

"(1) Title 23, United States Code, section 103(f);

"(2) Title 23, United States Code, section 116(d);

"(3) Title 23, United States Code, section 119;

"(4) Title 23, United States Code, section 120(h), except that the portion of the first sentence thereof relating to the percentage of funds to be contributed by Alaska shall continue to apply to funds apportioned to Alaska for fiscal year 1960 and prior fiscal years;

"(5) Sections 107(b) and (d) of the Federal-Aid Highway Act of 1956 (70 Stat. 374, 377, 378);

"(6) Section 2 of the Act of January 27, 1905 (33 Stat. 616), as amended (48 U.S.C. 322 and the following); and

"(7) The Act of June 30, 1932 (47 Stat. 446), as amended (48 U.S.C. 321(a) and the following).

"(e) Effective on July 1, 1959, the following provisions of law are amended:

"(1) The definition of the term 'State' in title 23, United States Code, section 101(a), is amended to read as follows:

" 'The term "State" means any one of the forty-nine States, the District of Columbia, Hawaii, or Puerto Rico.';

"(2) Title 23, United States Code, section 104(b), is amended by deleting the phrase ', except that only one-third of the area of Alaska shall be included' where it appears in paragraphs (1) and (2) of said section 104(b);

"(3) Title 23, United States Code, section 116(a), is amended by deleting the phrase 'Except as provided in subsection (d) of this section,' and by capitalizing the word 'it' immediately following such phrase; and

"(4) Title 23, United States Code, section 120(a), is amended by deleting the phrase 'subsection (d) and (h)' and by inserting in lieu thereof the phrase 'subsection (d)'.

"(f) Notwithstanding the limitation contained in subsection (f) of section 120 of Title 23, United States Code, the Secretary of Commerce is authorized to make expenditures from the emergency fund under section 125 of such title for the repair or reconstruction of highways on the Federal-aid highway systems of Alaska which have been damaged or destroyed by the 1964 earthquake and subsequent seismic waves, in accordance with the Federal share payable under subsection (a) of section 120 of such title. The increase in expenditures resulting from the difference between the Federal share authorized by this subsection and that authorized by subsection (f) of section 120 of such title shall be reimbursed to the emergency fund by an appropriation from the general fund of the Treasury: *Provided*, That such increase in expenditures shall not exceed $15,000,000 in the aggregate. (As amended Pub. L. 88-451, § 3, Aug. 19, 1964, 78 Stat. 505.)

"Sec. 22. [Internal Revenue.] (a) Section 2202 of the Internal Revenue Code of 1954 (relating to missionaries in foreign service), and sections 3121(e)(1), 3306(j), 4221(d)(4), and 4233(b) of such Code (each relating to a special definition of 'State') are amended by striking out 'Alaska,'.

"(b) Section 4262(c)(1) of the Internal Revenue Code of 1954 (definition of 'continental United States') is amended to read as follows:

" '(1) Continental United States.—The term "continental United States" means the District of Columbia and the States other than Alaska.'

"(c) Section 4502(5) of the Internal Revenue Code of 1954 (relating to definition of 'United States') is amended by striking out 'the Territories of Hawaii and Alaska' and by inserting in lieu thereof 'the Territory of Hawaii'.

"(d) Section 4774 of the Internal Revenue Code of 1954 (relating to territorial extent of law) is amended by striking out 'the Territory of Alaska,'.

"(e) Section 7621(b) of the Internal Revenue Code of 1954 (relating to boundaries of internal revenue districts) is amended to read as follows:

" '(b) Boundaries.—For the purpose mentioned in subsection (a), the President may subdivide any State, Territory, or the District of Columbia, or may unite into one district two or more States or a Territory and one or more States.'

"(f) Section 7653(d) of the Internal Revenue Code of 1954 is amended by striking out 'its Territories or possessions' and inserting in lieu thereof 'its possessions or the Territory of Hawaii'.

"(g) Section 7701(a)(9) of the Internal Revenue Code of 1954 (relating to definition of 'United States') is amended by striking out 'the Territories of Alaska and Hawaii' and inserting in lieu thereof 'the Territory of Hawaii'.

"(h) Section 7701(a)(10) of the Internal Revenue Code of 1954 (relating to definition of State) is amended by striking out 'Territories' and inserting in lieu thereof 'Territory of Hawaii'.

"(i) The amendments contained in subsections (a) through (h) of this section shall be effective as of January 3, 1959.

"Sec. 23. [Courts.] (a) The Judicial Conference of the United States, with the assistance of the Administrative Office of the United States Courts, shall conduct a study, including a field survey, of the Federal Judicial business arising in the State of Alaska with a view toward directing the United States Court of Appeals for the Ninth Circuit to hold such terms of court in Anchorage or such other Alaskan cities as may be necessary for the prompt and efficient administration of justice.

"(b) Title 28, United States Code, section 81A, is amended by inserting the word 'Ketchikan,' immediately following the word 'Juneau,'.

"(c) Such authority as has been exercised by the Attorney General heretofore, with regard to the Federal court system in Alaska, pursuant to section 30 of the Act of June 6, 1900 (48 U.S.C. 25), shall continue to be exercised by him after the court created by section 12(b) of the Act of July 7, 1958 (72 Stat. 339, 348) [set out above], providing for the admission of the State of Alaska into the Union, is established.

"(d) All balances of public moneys received by the clerks of each division of the District Court for the Territory of Alaska pursuant to section 10 of the Act of June 6, 1900, as amended (48 U.S.C. 107), which are on hand after all payments ordered by that court and approved by the Administrative Office of the United States Courts shall have been made, shall be covered into the Treasury of the United States as required by law, and the Secretary of the Treasury shall pay the amounts so covered, which are hereby appropriated, to the State of Alaska.

"Sec. 24. [Vocational Rehabilitation Act; amendment.] (a) Subsection (g) of section 11 of the Vocational Rehabilitation Act (29 U.S.C., supp. V, sec. 41(g)), relating to definition of State, is amended by striking out 'Alaska,'.

"(b)(1) Subsection (i) and paragraph (1) of subsection (h) of such section, relating to definition of allotment percentages and Federal shares for purposes of allotment and matching for vocational rehabilitation services, are each amended by striking out '(excluding Alaska)' and inserting in lieu thereof '(including Alaska)'.

"(2) Paragraph (1) of such subsection (h) is further amended by striking out 'Alaska,'.

"(3) Such subsection (i) is further amended by striking out 'Hawaii and Alaska' in clause (B) and inserting in lieu thereof 'Hawaii'.

"Sec. 25. [Gold Reserve Act; amendment.] Section 15 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 444), is further amended by striking out the words ', the District of Columbia, and the Territory of Alaska' and inserting in lieu thereof the words 'and the District of Columbia'.

"Sec. 26. [Silver Purchase Act; amendment.] Section 10 of the Silver Purchase Act of 1934 (31 U.S.C. 448b), is amended by striking out the words ', the District of Columbia, and the Territory of Alaska' and inserting in lieu thereof the words 'and the District of Columbia'.

"Sec. 27. [National Guard; amendment.] Title 32, United States Code, section 101(1), is amended by striking out the words 'Alaska, Hawaii,' and inserting in lieu thereof the word 'Hawaii'.

"Sec. 28. [Water Pollution Control Act; amendment.] (a) Paragraph (1) of section 5(h) of the Federal Water Pollution Control Act (33 U.S.C., supp. V, sec. 466d(h)(1)), relating to Federal share for purposes of matching for program operation, is amended by striking out '(excluding Alaska)' and inserting in lieu thereof '(including Alaska)' and by striking out, in clause (B), 'and Alaska'.

"(b) Subsection (d) of section 11 of such Act (33 U.S.C., Supp. V, sec. 466j(d)), is amended by striking out 'Alaska,'.

"Sec. 29. [Veterans' Benefits; amendment.] (a) Title 38, United States Code, section 903(b), is amended by striking out the words ', or to the place of burial within Alaska if the deceased was a resident of Alaska who had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care'; by inserting the word 'continental' immediately before the words 'United States' the second time they appear in such section; and by inserting, immediately following the words 'continental United States' in both places where they appear in such section, the parenthetical phrase '(including Alaska)'.

"(b) Title 38, United States Code, section 2007(c), is amended by striking out the word 'Alaska,'.

"Sec. 30. [Federal Property and Administrative Services Act; amendment.] (a) Subsection (f) of section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(f)), is amended by striking out the words ', Hawaii, Alaska,' and inserting in lieu thereof the words '(including Alaska), Hawaii,'.

"(b) Subsection (a) of section 702 of such Act (40 U.S.C., supp. V, sec. 522(a)), is amended by striking out the words 'Territories of Alaska and Hawaii' and inserting in lieu thereof the words 'Territory of Hawaii'.

"Sec. 31. [Public Health Service Act; amendment.] (a) Subsection (f) of section 2 of the Public Health Service Act (42 U.S.C. 201(f)), relating to definition of State, is amended by striking out 'Hawaii, Alaska,' and inserting in lieu thereof 'Hawaii,' and by striking out ', the District of Columbia, or Alaska' and inserting in lieu thereof 'or the District of Columbia'.

"(b)(1) Effective July 1, 1959, section 371 of the Public Health Service Act, as added by the Alaska Mental Health Enabling Act (42 U.S.C., supp. V, sec. 273), is repealed.

"(2) Subsection (a) of section 372 of such Act (42 U.S.C., supp. V, sec. 274(a)), is amended by striking out 'the Territory of'.

"(3) Subsections (b), (c), and (e) of such section are each amended by striking out 'the Territory' each time it appears and inserting in lieu thereof 'Alaska'.

"(4) Such subsection (e) is further amended by striking out 'the Territory's' and inserting in lieu thereof 'Alaska's'.

"(c)(1) Subsection (a) of section 631 of such Act (42 U.S.C., supp. V, sec. 291i(a)), relating to definition of allotment percentage for purposes of allotments for construction, is amended by striking out '(excluding Alaska)' and inserting in lieu thereof '(including Alaska)' and by striking out 'for Alaska and Hawaii shall be 50 per centum each' in clause (2) and inserting in lieu thereof 'for Hawaii shall be 50 per centum'.

"(2) Subsection (d) of such section, relating to definition of State, is amended by striking out 'Alaska,'.

"Sec. 32. [Social Security Act; amendment.] (a) Paragraph (8) of section 1101(a) of the Social Security Act (72 Stat. 1013, 1050), relating to definition of Federal percentage for purposes of matching for public assistance grants, is amended by striking out 'Alaska and' in clause (ii) of subparagraph (A) and by striking out '(excluding Alaska)' in subparagraphs (A) and (B) and inserting in lieu thereof '(including Alaska)'.

"(b)(1) Subsection (a) of section 524 of the Social Security Act (72 Stat. 1013, 1054), relating to definition of allotment percentage for purposes of allotments for child welfare services, is amended by striking out '50 per centum in the case of Alaska and' in clause (B).

"(2) Subsection (b) of such section, relating to definition of Federal share for purposes of matching for child welfare services, is amended by striking out '50 per centum in the case of Alaska and' in clause (2).

"(3) Such subsections (a) and (b), and subsection (c) of such section, relating to promulgation of Federal shares and allotment percentages, are each amended by striking out '(excluding Alaska)' and inserting in lieu thereof '(including Alaska)'.

"(c)(1) The last sentence of section 202(i) of the Social Security Act (42 U.S.C., supp. V, sec. 402(i)), is amended by striking out 'forty-eight' and inserting in lieu thereof 'forty-nine'.

"(2) Subsections (h) and (i) of section 210 of such Act (42 U.S.C. 410(h), (i)), relating to definitions of State and United States for purposes of old-age, survivors, and disability insurance, are each amended by striking out 'Alaska,'.

"(d)(1) Paragraph (1) of section 1101(a) of the Social Security Act (42 U.S.C., supp. V, sec. 1301(a)(1)), relating to definition of State, is amended by striking out 'Alaska, Hawaii,' and inserting in lieu thereof 'Hawaii'.

"(2) Paragraph (2) of such section (42 U.S.C., 1301(a)(2)), relating to definition of United States, is amended by striking out 'Alaska,'.

"Sec. 33. [Congressional Record.] Section 73 of the Act of January 12, 1895, as amended (44 U.S.C., supp. V, sec. 183), is further amended by striking out the word 'Alaska,' [Repealed by Pub. L. 90-620, § 3, Oct. 22, 1968, 82 Stat. 1310].

"Sec. 34. [Federal Register.] Section 8 of the Federal Register Act (44 U.S.C. 308) is amended by striking out the parenthetical phrase '(not including Alaska)' and inserting in lieu thereof the parenthetical phrase '(including Alaska)' [Repealed by Pub. L. 90-620, § 3, Oct. 22, 1968, 82 Stat. 1310].

"Sec. 35. [Airports.] (a) The Administrator of the Federal Aviation Agency is authorized and directed to transfer to the State of Alaska by appropriate conveyance, and subject to such terms and conditions as he may deem appropriate, all the right, title, and interest of the United States in and to the public airports constructed and operated pursuant to the Act of May 28, 1948, as amended (48 U.S.C. 485 and the following), including all the land, buildings, structures, facilities, equipment, and other personal property appurtenant thereto and necessary for the operation thereof, except for such property, real or personal, as the Administrator may determine is needed for the performance of functions of the United States in Alaska after such transfer. Such transfer shall be without monetary consideration to the United States.

"(b) Notwithstanding any other provisions of this section, any contract entered into by the Federal Aviation Agency in connection with its activities with respect to public airports constructed and operated pursuant to the Act of May 28, 1948, as amended (48 U.S.C. 485 and the following), which has not been completed by the date of enactment of this Act, may be completed according to the terms thereof.

"Sec. 36. [Selective Service.] Section 16(b) of the Universal Military Training and Service Act, as amended (50 U.S.C., app., sec. 466(b)), is further amended by striking out the word 'Alaska,'.

"Sec. 37. [Real property transactions.] Section 43(c) of the Act of August 10, 1956 (50 U.S.C. app., supp. V, sec. 2285(c)), is amended by striking out the word 'Alaska,'.

"Sec. 38. [Recreation facilities.] Section 2 of the Act of May 4, 1956 (70 Stat. 130), is hereby repealed. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1960, such sums as may be necessary to complete the construction of facilities described in section 1 of such Act, as amended by the Act of August 30, 1957 (71 Stat. 510), if construction was begun prior to June 30, 1959, and to maintain the facilities pending their transfer pursuant to such section.

"Sec. 39. [Aircraft loan guarantees.] Section 3 of the Act of September 7, 1957 (71 Stat. 629), is amended by

striking out the words 'Territory of Alaska' and inserting in lieu thereof the words 'State of Alaska'.

"Sec. 40. [Defense Base Act; amendment.] (a) Paragraphs (2) and (3) of section 1(a) of the Defense Base Act, as amended (55 Stat. 622; 42 U.S.C. 1651 and the following), are amended by striking out 'Alaska;' in the parenthetical phrase in each paragraph.

"(b) Paragraph (6) of section 1(a) of that Act is amended by striking out 'or in Alaska or the Canal Zone'.

"(c) Section 1(b) of that Act is amended by striking the period at the end of paragraph (3), inserting in lieu thereof a semicolon, and adding the following paragraph:

" '(4) the term "continental United States" means the States and the District of Columbia.'

"Sec. 41. [Timber removal.] The Act of March 3, 1891 (26 Stat. 1093), as amended (16 U.S.C. 607), is further amended by deleting the words 'Territory of Alaska' and the words 'or Territory' where they there appear and by inserting the word 'Alaska,' after the words 'In the State of'.

"Sec. 42. [War Hazards Compensation Act; amendment.] (a) Paragraphs (2), (3), and (5) of section 101(a) of the War Hazards Compensation Act, as amended (56 Stat. 1028; 42 U.S.C. 1701 and the following), are amended by striking out 'or in Alaska or the Canal Zone'.

"(b) Section 104 of that Act [section 1704 of Title 42] is amended by adding the following new subsection at the end thereof:

" '(c) The provisions of this section shall not apply with respect to benefits on account of any injury or death occurring within any State.'

"(c) Section 201 of that Act [section 1711 of Title 42] is amended by adding the following new subsection at the end thereof:

" '(f) the term "continental United States" means the States and the District of Columbia.'

"Sec. 43. [Buy American Act; amendment.] Section 1(b) of Title III of the Act of March 3, 1933 (41 U.S.C. 10c(b)), is amended by striking out the word 'Alaska,'.

"Sec. 44. [Transitional grants.] (a) In order to assist the State of Alaska in accomplishing an orderly transition from Territorial status to statehood, and in order to facilitate the assumption by the State of Alaska of responsibilities hitherto performed in Alaska by the Federal Government, there are hereby authorized to be appropriated to the President, for the purpose of making transitional grants to the State of Alaska, the sum of $10,500,000 for the fiscal year ending June 30, 1960; the sum of $6,000,000 for each of the fiscal years ending June 30, 1961, and June 30, 1962; the sum of $3,000,000 for each of the fiscal years ending June 30, 1963, and June 30, 1964; and the sum of $23,500,000 for the period ending June 30, 1966.

"(b) The Governor of Alaska may submit to the President a request that a Federal agency continue to provide services or facilities in Alaska for an interim period, pending the provision of such services or facilities by the State of Alaska. Such interim period shall not extend beyond June 30, 1966. In the event of such request, and in the event of the approval thereof by the President, the President may allocate, at his discretion, to such agency the funds necessary to finance the provision of such services or facilities. Such funds shall be allocated from appropriations made pursuant to subsection (a) hereof, and the amount of such funds shall be deducted from the amount of grants available to the State of Alaska pursuant to such subsection.

"(c) After the transfer or conveyance to the State of Alaska of any property or function pursuant to the Act of July 7, 1958 (72 Stat. 339) [set out above], providing for the admission of the State of Alaska into the Union, or pursuant to this Act or any other law, and until June 30, 1966, the head of the Federal agency having administrative jurisdiction of such property prior to its transfer or conveyance may contract with the State of Alaska for the performance by such agency, on a reimbursable basis, of some or all of the functions authorized to be performed by it in Alaska immediately preceding such conveyance or transfer. (As amended Pub. L. 88-311, §§ 1, 2, May 27, 1964, 78 Stat. 201.)

"Sec. 45. [Transfer of property.] (a) If the President determines that any function performed by the Federal Government in Alaska has been terminated or curtailed by the Federal Government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may, until July 1, 1966, in his discretion, transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with such function, the assumption of which function is pursuant to this Act or the Act of July 7, 1958 (72 Stat. 339) [set out above].

"(b) Structures and improvements of block 32 of the city of Juneau granted to the State of Alaska by section 6(c) of the Act providing for the admission of Alaska into the Union (72 Stat. 339, 340), shall include all furnishings and equipment in the structure known as the Governor's mansion, or used in the operation or maintenance thereof. (As amended Pub. L. 88-311, § 2, May 27, 1964, 78 Stat. 201.)

"Sec. 46. [Claims Commission.] (a) In the event that any disputes arise between the United States and the State of Alaska prior to January 1, 1965, concerning the transfer, conveyance, or other disposal of property to the State of Alaska pursuant to section 6(e) of the Act of July 7, 1958 (72 Stat. 339, 340) [set out above], providing for the admission of the State of Alaska into the Union, or pursuant to this Act, the President is authorized (1) to appoint by and with the advice and consent of the Senate a temporary commission of three persons, to consider, ascertain, adjust, determine, and settle such disputes, and (2) to make such rules and regulations as may be necessary to establish such temporary commission or as may be necessary to terminate such temporary commision at the conclusion of its duties. In carrying out its duties under this section, such commission may hold such hearings, take such testimony, sit and act at such times and places, and incur such expenditures as the commission deems necessary. No commission shall be appointed under authority of this subsection after June 30, 1965.

"(b) The commission may, without regard to the civil service laws and the Classification Act of 1949, employ and fix the compensation of such employees as it deems necessary to carry out its duties under this section. The commission is authorized to use the facilities, information, and personnel of the departments, agencies, and establishments of the executive branch of the United States Government which it deems necessary to carry out its duties; and each such department, agency, and instrumentality is authorized to furnish such facilities, information, and personnel to the commission upon request made by the commission. The commission shall reimburse each such department, agency, or instrumentality for the services of any personnel utilized. The commission may establish such procedures, rules, and regulations as may be necessary to carry out its duties under this section.

"(c) No member of such commission shall be an officer or employee of the United States or of the State of Alaska. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. Each member of the commission shall be paid compensation at the rate of $50 per day for each day spent in the work of the commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance in accordance with the provisions of the Travel Expense Act of 1949, as amended, when away from his usual place of residence.

"(d) There are hereby authorized to be appropriated such sums as may be necessary to enable the commission to perform its duties under this section.

"Sec. 47. [Effective dates.] (a) The amendments made by paragraph (2) of subsection (a) of section 18, by subsection (a) of section 28, by paragraph (1) of subsection (c) of section 31, by subsections (a) and (b) of section 32, and, except as provided in subsection (c) of this section, by subsection (b) of section 24, shall be applicable in the case of promulgations of Federal shares, allotment percentages, allotment ratios, and Federal percentages, as the case may be, made after satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska, and for this purpose such promulgations shall, before such data for the full period required by the applicable statutory provision as so amended are available from the Department of Commerce, be based on satisfactory data available from such Department for such one full year or, when such data for a two-year period are available, for such two years.

"(b) The amendments made by paragraphs (1) and (3) of subsection (a) of section 18 shall be applicable, in the case of allotments under section 302(b) or 502 of the National Defense Education Act of 1958 [section 442(b) or 482 of Title 20, Education], for fiscal years beginning July 1, 1959, and in the case of allotments under section 302(a) of such Act, in the case of allotments based on allotment ratios, promulgated under such section 302(a), to which the amendment made by paragraph (2) of subsection (a) of section 18 of this Act is applicable.

"(c) [Repealed. Pub. L. 86-624, § 47(g)(4), July 12, 1960, 74 Stat. 424.]

"(d) The amendments made by paragraphs (2) and (3) of subsection (b), by subsection (c), and by paragraph (4) of subsection (d) of section 18; by subsection (a) of section 24; by subsection (b) of section 28; by subsection (a), by subparagraphs (2), (3), and (4) of subsection (b), and by paragraph (2) of subsection (c) of section 31; by paragraph (2) of subsection (c) and by subsection (d) of section 32; and, except as provided in subsection (b) of this section by paragraph (1) of subsection (a) of section 18, shall be effective on January 3, 1959.

"(e) The amendment made by paragraph (1) of subsection (c) of section 32 shall apply in the case of deaths occurring on or after January 3, 1959.

"(f) The amendments made by paragraph (1) of subsection (b) and paragraphs (1), (2), and (3) of subsection (d) of section 18 shall be applicable for fiscal years beginning July 1, 1959.

"(g) The amendments in sections 40 and 42 shall take effect when enacted: *Provided, however,* That with respect to injuries or deaths occurring on or after January 3, 1959, and prior to the effective date of these amendments, claims filed by employees engaged in the State of Alaska in any of the employments covered by the Defense Base Act [section 1651 et seq. of Title 42, The Public Health and Welfare] (and their dependents) may be adjudicated under the Workmen's Compensation Act of Alaska instead of the Defense Base Act. (As amended Pub. L. 86-624, § 47(g)(4), July 12, 1960, 74 Stat. 424.)

"Sec. 48. [Definition of 'Continental United States'.] Whenever the phrase 'continental United States' is used in any law of the United States enacted after the date of enactment of this Act, it shall mean the 49 States on the North American Continent and the District of Columbia, unless otherwise expressly provided.

"Sec. 49. [Other subjects.] The amendment by this Act of certain statutes by deleting therefrom specific references to Alaska or such phrases as 'Territory of Alaska' shall not be construed to affect the applicability or inapplicability in or to Alaska of other statutes not so amended.

"Sec. 50. [Separability.] If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"Sec. 51. [New Federal Loan Adjustments.] (a) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower's indebtedness under programs administered by the Farmers Home Administration in Alaska as he finds necessary because of loss resulting from the 1964 earthquake and subsequent seismic waves, and he may refinance outstanding indebtedness of applicants in Alaska for loans under section 502 of the Housing Act of 1949 [section 1472 of Title 42, The Public Health and Welfare] for the repair, reconstruction, or replacement of dwellings or farm buildings lost, destroyed, or damaged by such causes and securing such outstanding indebtedness. Such loans may also provide for the purchase of building sites, when the original sites cannot be utilized.

"(b) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower's indebtedness under programs administered by the Rural Electrification Administration in Alaska as he finds necessary because of loss, destruction, or damage of property resulting from the 1964 earthquake and subsequent seismic waves. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 505.)

"Sec. 52. [Compromise or Release of Notes or Other Obligations.] The Secretary of Housing and Urban Development is authorized to compromise or release such portion of any note or other obligation held by him with respect to property in Alaska pursuant to Title II of the Housing Amendments of 1955 [sections 1491-1497 of Title 42] or included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, as he finds necessary because of loss, destruction, or damage to facilities securing such obligations by the 1964 earthquake and subsequent seismic waves. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 506, and amended Pub. L. 90-19, § 15(a), May 25, 1967, 81 Stat. 24.)

"Sec. 53. [Urban Renewal.] The Secretary of Housing and Urban Development is authorized to enter into contracts for grants not exceeding $25,000,000 for urban renewal projects in Alaska, including open land projects, under section 111 of the Housing Act of 1949 [section 1462 of Title 42], which he determines will aid the communities in which they are located in reconstruction and redevelopment made necessary by the 1964 earthquake and subsequent seismic waves. Such authorization shall be in addition to and separate from any grant authorization contained in section 103(b) of said Act [section 1453(b) of Title 42].

"The Secretary may increase the capital grant for a project assisted under this section to not more than 90 per centum of net project cost where he determines that a major portion of the project area has either been rendered unusable as a result of the 1964 earthquake and subsequent seismic waves or is needed in order adequately to provide, in accordance with the urban renewal plan for the project, new locations for persons, businesses, and facilities displaced by the earthquake. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 506, and amended Pub. L. 90-19, § 15, May 25, 1967, 81 Stat. 24.)

"Sec. 54. [Extension of Term of Home Disaster Loans.] Loans made pursuant to paragraph (1) of section 7(b) of the Small Business Act (72 Stat. 387), as amended (15 U.S.C. 636(b)), for the purpose of replacing, reconstructing, or repairing dwellings in Alaska damaged or destroyed by the 1964 earthquake and subsequent seismic waves, may have a maturity of up to thirty years: *Provided,* That the provisions of section 7(c) of said Act [section 636(c) of Title 15, Commerce and Trade] shall not be applicable to such loans. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 506.)

"Sec. 55. [Modification of Civil Works Projects.] The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to make such modifications to previously authorized civil works projects in Alaska adversely affected by the 1964 earthquake and subsequent seismic waves as he finds necessary to meet changed conditions and to provide for current and reasonably prospective requirements of the communities they serve, at an estimated cost of

$10,000,000. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 506.)

"Sec. 56. [Purchase of Alaska State Bonds.] The Secretary of Housing and Urban Development is authorized to purchase, in accordance with the provisions of sections 202(b), 203, and 204 of Title II of the Housing Amendments of 1955 [sections 1492(b), 1493, and 1494 of Title 42], the securities and obligations of, or make loans to, the State of Alaska to finance any part of the programs needed to carry out the reconstruction activities in Alaska related to the 1964 earthquake and subsequent seismic waves or to complete capital improvements begun prior to the earthquake: *Provided*, That the aggregate amount of such purchase or loan shall not exceed $25,000,000. (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 506, and amended Pub. L. 90-19, § 15(a), May 25, 1967, 81 Stat. 24.)

"Sec. 57. [Retirement or Adjustment of Outstanding Mortgage Obligation.] For the purpose of enabling the State of Alaska to retire or adjust outstanding home mortgage obligations or other real property liens secured by one to four family homes which were severely damaged or destroyed in the March 1964 earthquake and subsequent seismic waves, the President is authorized to make additional grants to the State of Alaska in an amount not to exceed a total of $5,500,000 to match, on a fifty-fifty basis, any funds provided by the State to pay the costs of retiring or adjusting such mortgage obligations. In order to be approved, a State application for a grant for carrying out the purpose of this section must: (1) be in accordance with a plan submitted by the State, to be approved by the President, for the implementation of the purpose of this section; (2) designate the State agency for retiring or adjusting said mortgage obligations; (3) provide that the mortgagor shall be required to absorb the damage loss to the entire extent of his equity interest in the property and also agree to pay at least $1,000 of the outstanding mortgage balance; (4) provide that no payments for retiring or adjusting mortgage obligations on a single property shall exceed $30,000; (5) provide regulations to assure equitable treatment among home owners and to prevent unjustified payments or gains to the State, mortgagees or mortgagors; and (6) provide that the State agency will make such reports, in such form and containing such information as the President may from time to time require, and give the President, upon demand, access to the records on which such reports are based." (Added Pub. L. 88-451, § 4, Aug. 19, 1964, 78 Stat. 507.)

Assistance to Alaska for Reconstruction of Areas Damaged by Earthquake

Pub. L. 88-451, Aug. 19, 1964, 78 Stat. 505, as amended.

"[Section 1. Short Title.] That this Act may be cited as the '1964 Amendments to the Alaska Omnibus Act.'

"Sec. 2. [Congressional Declaration.] The Congress hereby recognizes that the State of Alaska has experienced extensive property loss and damage as a result of the earthquake of March 27, 1964, and subsequent seismic waves, and declares the need for special measures designed to aid and accelerate the State's efforts in providing for the reconstruction of the areas in the State devastated by this natural disaster.

"Sec. 3. [This section added subsec. (f) to section 21 of the Alaska Omnibus Act, Pub. L. 86-70, June 25, 1959, 73 Stat. 141, set out above.]

"Sec. 4. [This section added sections 51 to 57 to the Alaska Omnibus Act, Pub. L. 86-70, June 25, 1959, 73 Stat. 141, set out above.]

"Sec. 5. [Authorization of Appropriations.] There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, which shall be available for obligation until June 30, 1967, except that any sums so appropriated to carry out section 53 of the Alaska Omnibus Act [set out above] shall be available after such date for obligation in connection with one or more of the following urban renewal projects authorized for execution prior to June 30, 1967: Alaska R-8, Westchester; Alaska R-19, Kodiak; Alaska R-20, downtown Anchorage; Alaska R-21, Seward; Alaska R-22, Valdez; Alaska R-25, Mineral Creek; Alaska R-26, Seldovia; Alaska R-28, Cordova. There is also authorized to be appropriated such sums as may be necessary for the expenses of such advisory commissions or committees as the President may establish in connection with the reconstruction and development planning of the State of Alaska. The total amount authorized to be appropriated pursuant to this section shall not exceed $55,650,000. (As amended Pub. L. 91-367, § 1, July 31, 1970, 84 Stat. 691.)

"Sec. 6. [Termination Date.] The authority contained in this Act shall expire on June 30, 1967, except that such expiration shall not affect—

"(1) the authority conferred by section 53 of the Alaska Omnibus Act [set out above] until the completion of the following urban renewal projects authorized for execution prior to June 30, 1967: Alaska R-8, Westchester; Alaska R-19, Kodiak; Alaska R-20, downtown Anchorage; Alaska R-21, Seward; Alaska R-22, Valdez; Alaska R-25, Mineral Creek; Alaska R-26, Seldovia; Alaska R-28, Cordova; or

"(2) the payment of expenditures for any obligation or commitment entered into under this Act prior to June 30, 1967.

(As amended Pub. L. 91-367, § 2, July 31, 1970, 84 Stat. 691.)

"Sec. 7. [Report to the Congress.] The President shall report semiannually during the term of this Act to the President of the Senate and the Speaker of the House on the actions taken under this Act by the various Federal agencies. The first such report shall be submitted not later than February 1, 1965, and shall cover the period ending December 31, 1964."

Transfer of Functions

All functions, powers, and duties of the Secretary of Commerce and other offices and officers of the Department of Commerce under the Alaska Omnibus Act, as amended, relating generally to highways, were transferred to and vested in the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655 of Title 49, Transportation.

Delegation of Functions

Functions of the President under sections 44(a) and 45(a) of the Alaska Omnibus Act of June 25, 1959, set out above, delegated to the Director of the Bureau of the Budget [now the Director of Management and Budget], see section 1(26)(27) of Ex. Ord. No. 11230, eff. June 28, 1965, 30 F.R. 8447, set out under section 301 of Title 3, The President.

Ex. Ord. No. 11230, under which the functions of the President under sections 44(a) and 45(a) of the Alaska Omnibus Act of June 25, 1959, set out above, were delegated to the Director of the Bureau of the Budget [now the Director of Management and Budget], was superseded by Ex. Ord. No. 11609, eff. July 22, 1971, 36 F.R. 13747, set out under section 301 of Title 3.

United States District Court of Alaska

Readiness of United States District Court for District of Alaska to assume functions imposed upon it, see Ex. Ord. No. 10867, eff. Feb. 20, 1960, 25 F.R. 1584, set out under section 81A of Title 28, Judiciary and Judicial Procedure.

Proc. No. 3269. Admission of the State of Alaska Into the Union

Proc. No. 3269, eff. Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, provided:

WHEREAS the Congress of the United States by the act approved on July 7, 1958 (72 Stat. 339) [set out above], accepted, ratified, and confirmed the constitution adopted by a vote of the people of Alaska in an election held on April 24, 1956, and provided for the admission of the State of Alaska into the Union on an equal footing with the other States of the Union upon compliance with certain procedural requirements specified in that act; and

WHEREAS it appears from information before me that a majority of the legal votes cast at an election held on August 26, 1958, were in favor of each of the propositions required to be submitted to the people of Alaska by section 8(b) of the Act of July 7, 1958 [set out above]; and

WHEREAS it further appears from information before me that a general election was held on November 25, 1958, and that the returns of the general election were made and certified as provided in the act of July 7, 1958; and

WHEREAS the Acting Governor of Alaska has certified to me the results of the submission to the people of Alaska of the three propositions set forth in section 8(b) of the act of July 7, 1958 [set out above], and the results of the general election; and

WHEREAS I find and announce that the people of Alaska have duly adopted the propositions required to be submitted to them by the act of July 7, 1958 [set out above], and have duly elected the officers required to be elected by that act:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Alaska to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Alaska into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington at one minute past noon on this third day of January in the year [SEAL] of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER.

EX. ORD. NO. 10857. TERMINATION OF FEDERAL FUNCTIONS IN ALASKA AND TRANSFER OF PROPERTY HELD BY UNITED STATES

Ex. Ord. No. 10857, eff. Dec. 29, 1959, 25 F.R. 33, provided:

Whereas section 6(e) of the act of July 7, 1958, 72 Stat. 339, as amended [set out above], provides that the administration and management of the fish and wildlife resources of Alaska shall be transferred to the State of Alaska on the first day of the first calendar year following the expiration of ninety calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of such resources in the broad national interest; and

Whereas the Secretary of the Interior made such certification to the Congress on April 27, 1959; and

Whereas section 45(a) of the Alaska Omnibus Act (73 Stat. 152) [set out above] provides that if the President determines that any function performed by the Federal Government in Alaska has been terminated by the Federal Government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may, until July 1, 1964, in his discretion, transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with such function; and

Whereas it appears that it would be in the public interest to delegate to the Secretary of the Interior, to the extent hereinafter indicated, the authority vested in the President by section 45(a) of the Alaska Omnibus Act:

Now, therefore, by virtue of the authority vested in me by section 45(a) of the Alaska Omnibus Act (73 Stat. 152) and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. It is hereby determined that the functions performed by the United States in Alaska pursuant to the Alaska game law of July 1, 1943, 57 Stat. 301 [sections 192, 193, and 195 to 211 of this title], the act of June 26, 1906, 34 Stat. 478, the act of June 6, 1924, 43 Stat. 465, and the acts amending or supplementing such acts, will terminate on December 31, 1959, and that the same functions or substantially the same functions will be assumed by the State of Alaska.

SEC. 2. There is hereby delegated to the Secretary of the Interior, effective January 1, 1960, the authority vested in the President by section 45(a) of the Alaska Omnibus Act to transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with the functions described in section 1 hereof.

SEC. 3. The Secretary of the Interior is hereby authorized to redelegate to (1) the Assistant Secretary for Fish and Wildlife, (2) the Commissioner of Fish and Wildlife, (3) the Directors of the Bureaus of Commercial Fisheries and Sport Fisheries and Wildlife, and (4) the Regional Directors, Alaska Region, of the Bureaus of Commercial Fisheries and Sport Fisheries and Wildlife all or any part of the authority delegated to the Secretary of the Interior by section 2 hereof.

SEC. 4. All transfers and conveyances made under or pursuant to this order shall be made in accordance with such policies, conditions, and procedures as may be prescribed by the Secretary of the Interior.

DWIGHT D. EISENHOWER.

§§ 21 to 27. Omitted

CODIFICATION

Sections 21 to 27 were omitted from the Code as obsolete.

Section 21, act Aug. 24, 1912, ch. 387, § 1, 37 Stat. 512, provided for the organization and administration of the Territory of Alaska.

Section 22, act Aug. 24, 1912, ch. 387, § 2, 37 Stat. 512, directed that the Capital of the Territory be at Juneau.

Section 23, act Aug. 24, 1912, ch. 387, § 3, 37 Stat. 512, extended the Constitution and laws of the United States to the Territory.

Section 24, acts Aug. 24, 1912, ch. 387, § 3, 37 Stat. 512; July 28, 1956, ch. 772, title III, § 301(c), 70 Stat. 713, limited the authority of the Territorial legislature to repeal or amend existing laws.

Section 25, act June 6, 1900, ch. 786, § 30, 31 Stat. 332, empowered the Attorney General to prescribe fees of officers not otherwise compensated.

Section 26, act June 6, 1900, ch. 786, § 2, 31 Stat. 321, authorized the governor to appoint notaries public.

Section 27, act June 6, 1900, ch. 786, § 2, 31 Stat. 321, validated appointments of notaries public made prior to June 6, 1900.

§ 28. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, act June 6, 1900, ch. 786, § 17, 31 Stat. 328, related to residence, term of office, and removal from office of notaries public.

§§ 29 to 38. Omitted

CODIFICATION

Sections 29 to 38 were omitted from the Code as obsolete.

Section 29, act June 6, 1900, ch. 786, §§ 22, 23, 31 Stat. 329, related to official bonds of notaries public.

Section 30, acts June 6, 1900, ch. 786, § 32, 31 Stat. 333; Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029, prescribed the fee for issuance of notary public commission.

Section 31, act June 6, 1900, ch. 786, § 18, 31 Stat. 328, related to duties of notaries public.

Section 32, act June 6, 1900, ch. 786, § 19, 31 Stat. 329, provided for protests of bills or notes by notaries public.

Section 33, act June 6, 1900, ch. 786, § 24, 31 Stat. 329, related to liability of notaries public for misconduct or neglect.

Section 34, act June 6, 1900, ch. 786, § 20, 31 Stat. 329, directed notaries to deposit their records with district court on resignation, removal or death.

Section 35, act June 6, 1900, ch. 786, § 21, 31 Stat. 329, related to the duty of the clerk in safe-keeping records deposited.

Section 35a, acts Aug. 5, 1939, ch. 480, § 1, 53 Stat. 1219; Dec. 11, 1945, ch. 563, 59 Stat. 605, empowered postmasters to act as notaries public.

Section 35b, acts Aug. 5, 1939, ch. 480, § 2, 53 Stat. 1219; Dec. 11, 1945, ch. 563, 59 Stat. 606, provided for the signature and seal of postmasters acting as notaries.

Section 35c, act Aug. 5, 1939, ch. 480, § 3, 53 Stat. 1219, related to fees of postmasters acting as notaries.

Section 36, acts June 6, 1900, ch. 786, § 32, 31 Stat. 333; Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029, prescribed the fee for certificates issued to members of the bar authorizing them to practice law.

Section 37, act June 11, 1896, ch. 420, § 1, 29 Stat. 413, empowered the Secretary of the Treasury to fix the rates of dockage and wharfage to be paid for the use of the wharf at Sitka.

Section 38, act Jan. 3, 1923, ch. 22, 42 Stat. 1106, related to repairs to the wharf at Sitka.

§ 39. Repealed. Oct. 31, 1951, ch. 654, § 1(118) to (124), 65 Stat. 706

Section, acts Mar. 4, 1907, ch. 2918, § 1, 34 Stat. 1338; May 24, 1922, ch. 199, 42 Stat. 584; Jan. 24, 1923, ch. 42, 42 Stat. 1205; June 5, 1924, ch. 264, 43 Stat. 427; Mar. 3, 1925, ch. 462, 43 Stat. 1181; May 10, 1926, ch. 277, § 1, 44 Stat. 492; Jan. 12, 1927, ch. 27, § 1, 44 Stat. 968, related to the handling and disposition of reindeer in Alaska.

§§ 40, 41. Omitted

CODIFICATION

Section 40, act June 6, 1900, ch. 786, § 31, 31 Stat. 332, which related to court rooms and offices of the civil government, was omitted from the Code as obsolete.

Section 41, acts Jan. 27, 1905, ch. 277, § 1, 33 Stat. 616; May 14, 1906, ch. 2458, § 1, 34 Stat. 192; Feb. 6, 1909, ch. 80, § 7, 35 Stat. 601; Mar. 3, 1913, ch. 109, 37 Stat. 728, which related to deposits to the Alaska fund in the Treasury Department, was omitted from the Code as obsolete.

§ 42. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, acts June 6, 1900, ch. 786, § 32, 31 Stat. 333; Mar. 3, 1905, ch. 1497, § 2, 33 Stat. 1266, provided for disbursements to Alaska Historical Library and Museum and prescribed contents thereof.

§§ 43 to 45. Omitted

CODIFICATION

Sections 43 to 45 were omitted from the Code as obsolete.

Section 43, acts June 6, 1900, ch. 786, § 33, 31 Stat. 333; Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029, designated the Alaska Historical Library and Museum as a depository of Government publications.

Section 44, acts Aug. 24, 1912, ch. 387, § 9, 37 Stat. 514; JUne 3, 1948, ch. 396, 62 Stat. 302, limited the amunt of taxes that could be levied by incorporated towns or municipalities.

Section 44a, act May 28, 1936, ch. 467, § 1, 49 Stat. 1388, related to bonded indebtedness of municipalities for public works.

Section 44b, acts May 28, 1936, ch. 467, § 2, 49 Stat. 1388; June 14, 1937, ch. 337, 50 Stat. 258, related to approval by electors of bonded indebtedness incurred by municipal corporation.

Section 44c, act May 28, 1936, ch. 467, § 3, 49 Stat. 1388, provided for the issuance, by municipal corporation.

Section 44c, act May 28, 1936, ch. 467, § 3, 49 Stat. 1388, provided for the issuance, sale and redemption, and interest rates of bonds.

Section 44d, act May 28, 1936, ch. 467, § 4, 49 Stat. 1389, authorized tax levies for payment of bonds.

Section 44e, act May 28, 1936, ch. 467, § 5, 49 Stat. 1389, repealed conflicting laws.

Section 44f, act Mar. 6, 1946, ch. 52, § 1, 60 Stat. 33, authorized bonds for public works by municipalities and public utility districts.

Section 44g, act Mar. 6, 1946, ch. 52, § 2, 60 Stat. 33, related to issuance, sale and redemption, and interest rates on bonds for public works.

Section 44h, act Mar. 6, 1946, ch. 52, § 3, 60 Stat. 34, related to covenants in bonds issue for public works.

Section 44i, act Mar. 6, 1946, ch. 52, § 4, 60 Stat. 34, repealed laws inconsistent with sections 44f to 44i of this title.

Section 45, act Aug. 24, 1912, ch. 387, § 9, 37 Stat. 514, prescribed residence qualifications for divorce actions.

§ 46. Repealed. July 28, 1956, ch. 772, title III, § 301(a)(2), 70 Stat. 712

Section, acts Feb. 6, 1909, ch. 80, § 7, 35 Stat. 601; Oct. 14, 1942, ch. 601, § 2, 56 Stat. 782; July 28, 1956, ch. 722, title III, § 301(b)(1), 70 Stat. 712, authorized the Governor of Alaska or his designe to contract for the care and custody of insane persons.

§§ 46–1 to 46–3. Omitted

CODIFICATION

Section 46–1, act July 28, 1956, ch. 772, title I, § 101, 70 Stat. 709, which the territorial legislature to enact laws on the subject of mental health, was omitted from the Code as obsolete.

Section 46–2, act July 28, 1956, ch. 772, title I, § 102, 70 Stat. 709, which related to jurisdiction, functions and duties of commissioners and courts in carrying out section 46–1 of this title, was omitted from the Code as obsolete.

Section 46–3, act July 28, 1956, ch. 772, title II, § 202, 70 Stat. 711, which prescribed a land-grant program for the purpose of section 46–1 of this title, was omitted from the Code as obsolete.

§ 46a. Repealed. July 1, 1944, ch. 373, title VII, § 711, formerly title VI, § 611, 58 Stat. 714, renumbered Aug. 13, 1946, ch. 958, § 5, 60 Stat. 1049

Section, act Mar. 4, 1929, ch. 707, 45 Stat. 1644, provided for the detailing of a Public Health Service medical officer to supervise the care andf maintenance of insane in Alaska and payment of his compensation an expenses.

§§ 46b to 48a. Repealed. July 28, 1956, ch. 772, title III, § 301(a)(1), (3), (5), 70 Stat. 712

Section 46b, act June 25, 1910, ch. 424, § 1, 36 Stat. 852, established detention hospitals at Fairbanks and Nome for the temporary care and detention of the insane.

Section 46c, acts Oct. 14, 1942, ch. 601, § 1, 56 Stat. 782; July 28, 1956, ch, 772, title III, § 301(b)(1), 70 Stat. 712, defined terms used in sections 46, 47a to 47c, 48a, 50, and 50a of this title.

Section 47, act Jan. 27, 1905, ch. 277, § 8, 33 Stat. 619, related to the commitment of the insane in Alaska, provided for the compensation of commissioners, jurors, and witnesses, and prescribed method of payment of compensation, mileage, fees, and other expenses.

Section 47a, act Oct. 14, 1942, ch. 601, § 3, 56 Stat. 783, related to the custody, use, and return of money and personal property of committed persons.

Section 47b, acts Oct. 14, 1942, ch. 601, § 6, 56 Stat. 783; July 28, 1956, ch. 772, title III, § 301(b)(1), 70 Stat. 712, related to discharge of patients from mental institutions, permitted leaves of absences to patients, and required issuance of suitable clothing upon discharge.

Section 47c, acts Oct. 14, 1942, ch. 601, § 7, 56 Stat. 784; July 28, 1956, ch. 772, title III, § 301(b)(1), 70 Stat. 712, authorized the superintendent of any mental institution to board patients with private families, provided for inspection, and empowered the superintendent to remove patients from boarding places.

Section 48, acts Oct. 14, 1942, ch. 601, § 9, 56 Stat. 785; July 28, 1956, ch. 772, title III, § 301(b)(1), 70 Stat. 712, provided for a statement of the legal residence of insane persons in the commitment papers, required the return of nonresident patients, and for payment of expenses in connection with such return.

Section 48a, acts Oct. 14, 1942, ch. 601, § 9, 56 Stat. 785; July 21, 1956, ch. 772, title III, § 301(b)(1), 70 Stat. 712, required payment of expenses of care by the patient, his legal representative, spouse, parents, or adult children.

§ 49. Omitted

CODIFICATION

Section, act Jan. 12, 1927, ch. 27, § 1, 44 Stat. 968, which provided for admission to hospitals, was omitted from the Code as obsolete.

§§ 50, 50a. Repealed. July 28, 1956, ch. 772, title III, § 301(a)(4), 70 Stat. 712

Section 50, acts Apr. 24, 1926, ch. 177, § 1, 44 Stat. 322; Oct. 14, 1942, ch. 601, § 4, 56 Stat. 783; July 28, 1956, ch. 772, title III, § 301 (b)(1), 70 Stat. 712, related to disposition of unclaimed funds of insane persons.

Section 50a, acts Apr. 24, 1926, ch. 177, § 2, 44 Stat. 322; Oct. 14, 1942, ch. 601, § 5, 56 Stat. 783; July 28, 1956, ch. 772, title III, § 301 (b)(1), 70 Stat. 712, related to funds which were subject to such claims.

§§ 50b to 58. Omitted

CODIFICATION

Sections 50b to 58 were omitted from the Code as obsolete.

Section 50b, act Mar. 7, 1928, ch. 137, § 1, 45 Stat. 239 authorized the Secretary of the Interior to accept donations for school, medical, and reindeer service.

Section 50c, act May 14, 1930, ch. 273, § 1, 46 Stat. 321, related to availability of apporpriations for education, medical relief, and reindeer.

Section 50d, act May 9, 1938, ch. 187, § 1, 52 Stat. 311, empowered the Secretary of the Interior to authorize officers to incur obligations for benefit of natives prior to appropriation.

Section 50d-1, act June 1, 1944, ch. 220, § 1, 58 Stat. 266, empowered the Secretary to authorize officers to incur obligations for benefit of natives in excess of current appropriations.

Section 50e, act Feb. 20, 1942, ch. 96, 56 Stat. 95, authorized the purchase of supplies for resale to natives, cooperatives, and Department of Interior employees.

Section 50f, act Feb. 20, 1942, ch. 98, 56 Stat. 95, related to disposal of miscellaneous revenues from schools, hospitals, and other Indian Service facilities.

Section 50g, act Aug. 2, 1956, ch. 883, § 1, 70 Stat. 939, related to facilities at Alaska-Canadian border.

Section 50h, act Aug. 2, 1956, ch. 883, § 2, 70 Stat. 939, required the site selected under section 50g of this title to consist of lands owned or controlled by the United States.

Section 50i, act Aug. 2, 1956, ch. 883, § 3, 7 Stat. 939, provided for arrangements for use of sites and facilities.

Section 50j, act Aug. 2, 1956, ch. 883, § 4, 70 Stat. 940, authorized appropriations for the purposes of sections 50g to 50i of this title.

Section 51, act Mar. 3, 1927, ch. 363, § 1, 44 Stat. 1392, related to educational qualifications of voters and electors.

Section 52, act Mar. 3, 1927, ch. 363, § 2, 44 Stat. 1393, provided that inability to read and write was a ground for challenge at polls.

Section 53, act Mar. 3, 1927, ch. 363, § 3, 44 Stat. 1393, related to the manner of proving ability to read and write.

Section 54, act Mar. 3, 1927, ch. 363, § 4, 44 Stat. 1393, related to exemption from the provisions of section 51 of this title by reason of physical disability.

Section 55, act Mar. 3, 1927, ch. 363, § 5, 44 Stat. 1393, authorized election judges to mark ballots for voters physically incapable of marking ballots.

Section 56, act Mar. 3, 1927, ch. 363, § 6, 44 Stat. 1393, provided that persons refused permission to vote shall not make any further attempt to vote.

Section 57, act Mar. 3, 1927, ch. 363, § 7, 44 Stat. 1394, enumerated qualifications requisite to voting.

Section 58, act Mar. 3, 1927, ch. 363, § 8, 44 Stat. 1394, prescribed penalties for violation of sections 51 to 57 of this title.

§§ 61 to 64. Omitted

CODIFICATION

Section 61, acts June 6, 1900, ch. 786, § 2, 31 Stat. 321; May 29, 1928, ch. 901, § 1(109), 45 Stat. 994; July 25, 1947, ch. 332, § 1, 61 Stat. 459, which authorized appointment of a Governor for the Territory, and detailed his duties, was omitted from the Code as obsolete.

Section 62, acts June 6, 1900, ch. 786, § 10, 31 Stat. 325; Mar. 3, 1925, ch. 462, 43 Stat. 1181; Mar. 4, 1931, ch. 516, 46 Stat. 1530; June 25, 1948, ch. 646, § 13, 62 Stat. 987; Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880, which related to the appointment of the Governor and his compensation, was omitted from the Code as obsolete. Acts Mar. 3, 1925, Mar. 4, 1931, and Oct. 15, 1949, were repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 646, 648, 655.

Section 63, acts June 6, 1900, ch. 786, § 10, 31 Stat. 325; June 25, 1948, ch. 646, § 13, 62 Stat. 987, which related to expenses of the Governor, was omitted from the Code as obsolete.

Section 64, act June 6, 1900, ch. 786, § 2, 31 Stat. 321, which directed the Governor to make an annual report to the President, and empowered the President to confirm or annul acts of the Governor, was omitted from the Code as obsolete.

§ 65. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, act Mar. 3, 1905, ch. 1497, § 3, 33 Stat. 1266, required bond from Secretary of Territory.

§ 65a. Repealed. Apr. 3, 1944, ch. 155, § 2, 58 Stat. 187

Section, act Mar. 4, 1931, ch. 516, 46 Stat. 1530, related to the salary of the Secretary of the Territory.

§§ 65b to 66. Omitted

CODIFICATION

Sections 65b to 66 were omitted from the Code as obsolete.

Section 65b, act Apr. 3, 1944, ch. 155, § 1, 58 Stat. 187, prescribed the salary of the secretary of the Territory.

Section 66, act Mar. 3, 1905, ch. 1497, § 1, 33 Stat. 1265, related to fees of the secretary of the Territory.

§§ 67 to 72. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 642

Section 67, acts Aug. 24, 1912, ch. 387, § 4, 37 Stat. 513; Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1016, provided that the legislative power and authority of the Territory shall be vested in a Senate and a House of Representatives.

Section 68, acts Aug. 24, 1912, ch. 387, § 4, 37 Stat. 513; Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1016, related to membership of the Senate and terms of office of Senators.

Section 69, acts Aug. 24, 1912, ch. 387, § 4, 37 Stat. 513; Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1016, related to membership of the House of Representatives.

Section 69a, act Aug. 24, 1912, ch. 387, § 4, as added Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1017, provided for the establishment and adjustment of legislative districts.

Section 70, acts Aug. 24, 1912, ch. 387, § 4, 37 Stat. 513; Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1017, prescribed election procedure for senators and representatives.

Section 71, acts Aug. 24, 1912, ch. 387, § 4, 37 Stat. 513; Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1018, required the Governor to order elections to fill vacancies in the legislature.

Section 72, acts Aug. 24, 1912, ch. 387, § 4, 37 Stat. 513; Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1018, prescribed salaries and mileage of members of the legislature.

§§ 73, 73a. Omitted

CODIFICATION

Sections 73 and 73a were omitted from the Code as obsolete.

Section 73, acts Aug. 24, 1912, ch. 387, § 5, 37 Stat. 513; Mar. 3, 1927, ch. 363, § 1, 44 Stat. 1392; Mar. 26, 1934, ch. 86, § 1, 48 Stat. 465, specified the time of election of members of the legislature.

Section 73a, act Mar. 26, 1934, ch. 86, § 4, 43 Stat. 466, empowered the legislature to change the date of elections.

§§ 74, 75. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 642

Section 74, acts Aug. 24, 1912, ch. 387, § 6, 37 Stat. 514; Apr. 18, 1940, ch. 105, § 1, 54 Stat. 111, related to the convening of the legislature, length of session, and extraordinary sessions.

Section 75, acts June 19, 1878, ch. 329, § 1, 20 Stat. 193; Aug. 24, 1912, ch. 387, § 7, 37 Stat. 514; Nov. 13, 1942, ch. 637, § 2, 56 Stat. 1018, related to the organization of the legislature, election of president of Senate and Speaker of House and subordinate officers.

§§ 76 to 92. Omitted

CODIFICATION

Sections 76 to 92 were omitted from the Code as obsolete.

Section 76, act Aug. 24, 1912, ch. 387, § 8, 37 Stat. 514, specified the enacting clause of all laws, and provided that no law shall embrace more than one subject.

Section 77, acts Aug. 24, 1912, ch. 387, § 9, 37 Stat. 514; Apr. 13, 1934, ch. 119, § 2, 48 Stat. 583; June 3, 1948, ch. 396, 62 Stat. 302, detailed the general legislative power and limitation.

Section 78, acts Aug. 24, 1912, ch. 387, § 9, 37 Stat. 514; June 3, 1948, ch. 396, 62 Stat. 302, required all taxes to be uniform.

Section 79, acts Aug. 24, 1912, ch. 387, § 9, 37 Stat. 514; June 3, 1948, ch. 396, 62 Stat. 302, limited the amount of taxes for Territorial purposes.

Section 80, act Aug. 24, 1912, ch. 387, § 3, 37 Stat. 512, prohibited the legislature from passing laws depriving judges, officers, etc. of district court of authority or jurisdiction.

Section 81, act Aug. 24, 1912, ch. 387, § 10, 37 Stat. 515, related to the rules of the legislature, quorum and majority.

Section 82, act Aug. 24, 1912, ch. 387, § 11, 37 Stat. 516, prohibited members of the legislature from holding other office.

Section 83, act Aug. 24, 1912, ch. 387, § 11, 37 Stat. 516, prohibited persons holding appointment under the United States from being members of the legislature or holding other Territorial office.

Section 84, act Aug. 24, 1912, ch. 387, § 12, 37 Stat. 516, specified the exemptions and privileges of members of the legislature.

Section 85, act Aug. 24, 1912, ch. 387, § 13, 37 Stat. 516, described the manner of passage of laws.

Section 86, act Aug. 24, 1912, ch. 387, § 14, 37 Stat. 516, related to the veto power of the governor.

Section 87, acts Aug. 24, 1912, ch. 387, § 15, 37 Stat. 516; Nov. 13, 1942, ch. 637, § 3, 56 Stat. 1018, provided for legislative expenses.

Section 88, act Aug. 24, 1912, ch. 387, § 16, 37 Stat. 517, directed the transmission of copies of law to the President and the Secretary of State.

Section 89, act Aug. 24, 1912, ch. 387, § 16, 37 Stat. 517, required the legislature to make provision for printing of laws and distribution in the Territory.

Section 90, act Aug. 24, 1912, ch. 387, § 20, 37 Stat. 518, required all Territorial laws to be submitted to Congress.

Section 91, act Aug. 29, 1914, ch. 292, 38 Stat. 710, related to powers of courts and legislature.

Section 92, act Feb. 18, 1929, ch. 260, 45 Stat. 1228, directed all appropriations by the legislature to be in conformity with sections 23, 24, 67 to 73, and 74 to 90 of this title.

§§ 101 to 122. Omitted

CODIFICATION

Sections 101 to 122 were omitted from the Code as obsolete.

Section 101, acts June 6, 1900, ch. 786, § 4, 31 Stat. 322; Mar. 3, 1909, ch. 269, § 2, 35 Stat. 839; Mar. 2, 1921, ch. 110, 41 Stat. 1203; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; July 31, 1946, ch. 704, § 1, 60 Stat. 716; June 1, 1948, ch. 363, 62 Stat. 283; June 25, 1948, ch. 646, § 9, 62 Stat. 986; Aug. 23, 1954, ch. 836, §§ 1, 2, 68 Stat. 772; Mar. 2, 1955, ch. 9, § 1(g), 69 Stat. 10; Aug. 1, 1955, ch. 443, 69 Stat. 430, established a district court for the District of Alaska and provided for its judges and divisions.

Section 101a was from a sentence added to R.S. § 5296 by act May 24, 1935, ch. 142, 49 Stat. 289. R.S. § 5296 was subsequently amended in full by act June 29, 1940, ch. 499, § 4, 54 Stat. 692, which failed to include provisions on the subject of that sentence or to refer to the 1935 amendment adding it. That sentence provided as follows: "The District Court of the Territory of Alaska shall be deemed a court of the United States, and the commissioners appointed by the judges of the said District Court of the Territory of Alaska under the provisions of title I, chapter 1, section 6, of the act of June 6, 1900 (31 Stat. 323, 324 [sections 104 and 108 of this title]), shall be deemed commissioners of a United States court, within the intent and meaning of this section [former section 641 of title 18]."

Section 102, acts June 6, 1900, ch. 786, § 4, 31 Stat. 322; Mar. 3, 1909, ch. 269, § 2, 35 Stat. 839; Mar. 2, 1921, ch. 110, 41 Stat. 1203; Nov. 22, 1943, ch. 304, 57 Stat. 591, provided for the terms of the court, special terms, and employment of interpreters.

Section 103, act June 6, 1900, ch. 786, § 5, 31 Stat. 323, specified the jurisdiction of the divisions of the court, and provided for change of venue.

Section 103a, act June 6, 1900, ch. 786, § 5a, as added July 18, 1949, ch. 343, § 1, 63 Stat. 445, made the Federal Rules of Civil Procedure applicable to the district court of the Territory.

Section 104, act June 6, 1900, ch. 786, § 6, 31 Stat. 323, authorized appointment of clerks and commissioners.

Section 104a, act June 6, 1900, ch. 786, § 6, as added Apr. 13, 1954, ch. 136, 68 Stat. 52, authorized appointment of Deputy Commissioners, provided for their compensation, prescribed their powers and duties, and required the posting of a bond.

Section 105, acts June 6, 1900, ch. 786, § 12, 31 Stat. 326; June 25, 1948, ch. 646, §§ 1, 39, 62 Stat. 914, 926, 927, 996, required clerks and commissioners to post bonds.

Section 106, acts June 6, 1900, ch. 786, § 7, 31 Stat. 324; Mar. 3, 1909, ch. 269, § 3, 35 Stat. 840; June 13, 1940, ch. 350, 54 Stat. 384; June 25, 1948, ch. 646, § 10, 62 Stat. 987, detailed the duties of the clerk.

Section 107, acts June 6, 1900, ch. 786, § 10, 31 Stat. 325; June 25, 1948, ch. 646, §§ 13, 39, 62 Stat. 987, related to clerk's fees, accounts, and clerical help.

Section 108, act June 6, 1900, ch. 786, § 6, 31 Stat. 323, directed that the commissioners shall be ex officio justices of the peace, empowered them to grant writs of habeas corpus, and prescribed other powers and duties.

Section 109, acts June 6, 1900, ch. 786, § 8, 31 Stat. 324; Mar. 3, 1909, ch. 269, § 4, 35 Stat. 841; June 25, 1948, ch. 646, § 11, 62 Stat. 987, authorized appointment of district attorneys, specified residence requirements and prescribed their duties and salaries.

Section 110, acts June 6, 1900, ch. 786, §§ 9, 10, 31 Stat. 324, 325; June 25, 1948, ch. 646, §§ 12, 39, 62 Stat. 987, 992 authorized appointment of marshals and deputies and prescribed their duties and powers.

Section 111, acts Mar. 3, 1899, ch. 429, § 459, 30 Stat. 1336; Jan. 22, 1902, ch. 3, 32 Stat. 2, provided for increases in the marshal's bond.

Section 112, acts June 6, 1900, ch. 786, § 10, 31 Stat. 325; June 25, 1948, ch. 646, § 13, 62 Stat. 987, authorized appointment of attorneys, judges, and marshals.

Section 113, acts June 6, 1900, ch. 786, § 10, 31 Stat. 325; June 25, 1948, ch. 646, § 13, 62 Stat. 987, provided for the manner of payment of salaries of judges, marshals, clerks, and district attorneys.

Section 114, acts June 6, 1900, ch. 786, § 10, 31 Stat. 325; Apr. 6, 1914, ch. 52, § 1, 38 Stat. 318; June 25, 1948, ch. 646, § 13, 62 Stat. 987, authorized traveling expenses.

Section 115, act Jan. 3, 1923, ch. 21, title II, 42 Stat. 1083, directed the Attorney General to pay the office expenses of United States marshals.

Section 116, acts June 6, 1900, ch. 786, § 11, 31 Stat. 326; Mar. 3, 1909, ch. 269, § 5, 35 Stat. 841, required preparation of accounts of fees and expenses.

Section 116a, acts Mar. 15, 1948, ch. 121, 62 Stat. 80; July 12, 1952, ch. 701, 66 Stat. 592; Aug. 1, 1956, ch. 864, 70 Stat. 921, related to fees of commissioners.

Section 117, act June 6, 1900, ch. 786, § 13, 31 Stat. 326, authorized establishment of recording districts, their modification or discontinuance, and removal of commissioner.

Section 118, act June 6, 1900, ch. 786, § 14, 31 Stat. 327, required the keeping of record books and prescribed the duties of recorders.

Section 119, act June 6, 1900, ch. 786, § 15, 31 Stat. 327, specified instruments to be recorded.

Section 120, act June 6, 1900, ch. 786, § 16, 31 Stat. 328, required accounts for fees for instruments recorded.

Section 121, act Aug. 29, 1914, ch. 292, 38 Stat. 710, provided for payment of costs of prosecuting crimes under Alaskan laws.

Section 122, act Apr. 11, 1928, ch. 353, 45 Stat. 422, exempted the Territory from posting bond or undertaking in legal proceedings.

§ 131. Omitted

CODIFICATION

Section 131, act May 7, 1906, ch. 2083, § 1, 34 Stat. 169, which provided for a Delegate in the House of Representatives of the United States and prescribed his qualifications, was omitted from the Code as obsolete.

§§ 132, 134. Repealed. Pub. L. 89-554, § 8(a), Sept. 8, 1966, 80 Stat. 640

Section 132, act May 7, 1906, ch. 2083, § 2, 34 Stat. 170, prescribed the term of office of the Delegate to Congress.

Section 134, act May 7, 1906, ch. 2083, § 2, 34 Stat. 170, specified the salary and allowances of the Delegate.

§§ 135 to 149. Omitted

CODIFICATION

Sections 135 to 149 were omitted from the Code as obsolete.

Section 135, act May 7, 1906, ch. 2083, § 3, 34 Stat. 170, provided for the election of the Delegate to Congress.

Section 136, act May 7, 1906, ch. 2083, § 4, 34 Stat. 170, related to election districts in towns.

Section 137, act May 7, 1906, ch. 2083, § 5, 34 Stat. 171, related to election districts outside of towns.

Section 138, act May 7, 1906, ch. 2083, § 6, 34 Stat. 171, prescribed the compoaition of election boards.

Section 139, act May 7, 1906, ch. 2083, § 8, 34 Stat. 172, described the manner of filling vacancies in the office of judge of election.

Section 140, act May 7, 1906, ch. 2083, § 7, 34 Stat. 172, provided for election watchers.

Section 141, act May 7, 1906, ch. 2083, § 9, 34 Stat. 172, prescribed the hours for voting and the form of ballots.

Section 142, act May 7, 1906, ch. 2083, § 10, 34 Stat. 172, related to election challenges and to penalties for false swearing.

Section 143, act May 7, 1906, ch. 2083, § 11, 34 Stat. 173, provided for the canvass of votes, certificates of result and the care of documents.

Section 144, acts May 7, 1906, ch. 2083, § 12, 34 Stat. 173; Aug. 24, 1912, ch. 387, § 17, 37 Stat. 517, enumerated the persons who compose the canvassing board and provided for the manner of conducting the canvass.

Section 144a, act Mar. 26, 1934, ch. 86, § 3, 48 Stat. 465, enumerated the persons who compose the canvassing board and provided for the manner of conducting the canvass.

Section 144b, act Mar. 26, 1934, ch. 86, § 4, 48 Stat. 466, empowered the legislature to change the personnel of the canvassing board, the date of meetings, and to prescribe its duties.

Section 145, acts Aug. 24, 1912, ch. 387, § 17, 37 Stat. 517; Mar. 26, 1934, ch. 86, § 1, 48 Stat. 465, prescribed the date for holding elections to fill vacancies in the office of Delegate.

Section 146, act May 7, 1906, ch. 2083, § 13, 34 Stat. 174, prescribed the compensation of election judges and clerks.

Section 147, acts May 7, 1906, ch. 2083, § 13, 34 Stat. 174; May 25, 1950, ch. 199, 64 Stat. 191, authorized fees for publication for each election.

Section 148, act May 7, 1906, ch. 2083, § 14, 34 Stat. 174, provided for the manner of audit and payment of election expenses.

Section 149, act May 7, 1906, ch. 2083, § 15, 34 Stat. 174, enumerated election offenses and prescribed penalties therefor.

§§ 161 to 170a. Omitted

CODIFICATION

Sections 161 to 170a were omitted from the Code as obsolete.

Section 161, act Jan. 27, 1905, ch. 277, § 3, 33 Stat. 617, named the Governor as the ex officio superintendent of public instruction and empowered him to prescribe rules and regulations for examination and qualification of teachers.

Section 162, acts Jan. 27, 1905, ch. 277, § 4, 33 Stat. 617; Mar. 3, 1905, ch. 1491, 33 Stat. 1262, authorized establishment of school districts in towns.

Section 163, acts Jan. 27, 1905, ch. 277, § 4, 33 Stat. 617; Mar. 3, 1905, ch. 1491, 33 Stat. 1262, provided for school boards, their term of office and expenditures.

Section 164, acts Jan. 27, 1905, ch. 277, § 4, 33 Stat. 617; Mar. 3, 1905, ch. 1491, 33 Stat. 1262, empowered school boards to employ teachers and to provide for heating and lighting schoolhouses.

Section 165, act Jan. 27, 1905, ch. 277, § 6, 33 Stat. 619, required clerks of school districts to report to the Governor.

Section 166, act Jan. 27, 1905, ch. 277, § 5, 33 Stat. 617, authorized establishment of school districts outside incorporated towns.

Section 167, act Jan. 27, 1905, ch. 277, § 5, 33 Stat. 617, provided for the manner of election of school boards in school districts outside incorporated towns.

Section 168, acts Jan. 27, 1905, ch. 277, § 5, 33 Stat. 617; June 1, 1938, ch. 312, 52 Stat. 607, directed the Governor to assign proportion of Alaska fund to school districts.

Section 169, act Jan. 27, 1905, ch. 277, § 7, 33 Stat. 619, related to the education of white children, Eskimos, and Indians.

Section 170, act Mar. 3, 1917, ch. 167, 39 Stat. 1131, authorized the legislature to establish schools for white and colored children and to appropriate funds for that purpose.

Section 170a, act May 14, 1930, ch. 273, § 1, 46 Stat. 321, authorized the Secretary of the Interior to enter into contracts with local school boards for the education of children of nontaxpaying natives.

§ 171. Repealed. Pub. L. 87-304, § 9(a)(1), Sept. 26, 1961, 75 Stat. 664

Section, act Mar. 21, 1906, J. Res. No. 10, 34 Stat. 824, permitted teachers and other employees of the United States Bureau of Education to make assignments of their pay while employed in Alaska and authorized reimbursement of teachers in Alaska for expenses incurred in the discharge of duty and paid from personal funds.

§§ 172, 173. Omitted

CODIFICATION

Section 172, act Mar. 3, 1909, ch. 286, 35 Stat. 837, which authorized appointment of school employees as special peace officers, was omitted from the Code as obsolete.

Section 173, act Feb. 25, 1925, ch. 320, § 1, 43 Stat. 978, which authorized establishment of a system of vocational training for aboriginal natives, was omitted from the Code as obsolete.

§ 174. Repealed. Oct. 31, 1951, ch. 654, 1(125), 65 Stat. 706

Section, act Feb. 25, 1925, ch. 320, § 2, 43 Stat. 978, related to transfer of buildings for the purpose of vocational training, schools, and hospitals in connection with aboriginal natives in Alaska.

§§ 175, 175a. Omitted

CODIFICATION

Section 175, act July 31, 1946, ch. 719, § 1, 60 Stat. 750, which authorized establishment of a geophysical institute at the University of Alaska, was omitted from the Code as obsolete.

Section 175a, act July 31, 1946, ch. 719, § 2, 60 Stat. 751, which provided that buildings and equipment of the geophysical institute shall become property of the University of Alaska, was omitted from the Code as obsolete.

§§ 191 to 213. Omitted

CODIFICATION

Sections 191 to 213 were omitted from the Code as obsolete.

Section 191, act May 31, 1920, ch. 217, 41 Stat. 716, related to the powers and duties of the Secretary of the Interior with respect to game animals.

Section 192, acts Jan. 13, 1925, ch. 75, § 5, 43 Stat. 741; Feb. 14, 1931, ch. 185, § 3, 46 Stat. 1111; June 25, 1938, ch. 686, § 3, 52 Stat. 1170; July 1, 1943, ch. 183, 57 Stat. 304, prescribed the duties and powers of the Alaska Game Commission, wildlife agents, and other persons.

Section 193, acts Jan. 13, 1925, ch. 75, § 6, 43 Stat. 742; July 1, 1943, ch. 183, 57 Stat. 305, required bonds from employees of the Commission.

Section 194, act Jan. 13, 1925, ch. 75, § 7, 43 Stat. 742, required the Commission to file estimates and submit reports of administration.

Section 195, acts Jan. 13, 1925, ch. 75, § 7, 43 Stat. 743; July 1, 1943, ch. 183, 57 Stat. 305, prescribed restrictions on the taking of animals, birds, fish, etc.

Section 196, acts Jan. 13, 1925, ch. 75, § 7, 43 Stat. 743; Feb. 4, 1931, ch. 185, § 4, 46 Stat. 1112; July 1, 1943, ch. 183, 57 Stat. 305, related to animals and birds escaping from captivity or introduced into the Territory.

Section 197, acts Jan. 13, 1925, ch. 75, § 8, 43 Stat. 743; July 1, 1943, ch. 183, 57 Stat. 305, prohibited the use of poison and required the keeping of records of sales.

Section 198, acts Jan. 13, 1925, ch. 75, § 9, 43 Stat. 743; Feb. 14, 1931, ch. 185, § 5, 46 Stat. 1112; June 25, 1938, ch. 686, § 4, 52 Stat. 1170; Oct. 10, 1940, ch. 54 Stat. 1103; July 1, 1943, ch. 183, 57 Stat. 306, empowered the Secretary to promulgate regulations for the taking of game, limiting the take, seasons, and for the protection of Government property.

Section 199, acts Jan. 13, 1925, ch. 75, § 10, 43 Stat. 744; Feb. 14, 1931, ch. 185, §§ 6 to 11, 46 Stat. 1112 to 1114; June 25, 1938, ch. 686, § 5, 52 Stat. 1172; July 1, 1943, ch. 183, 57 Stat. 306, prescribed the types of hunting, trapping and fishing licenses, guide licenses, fees and issuance thereof.

Section 200, acts Jan. 13, 1925, ch. 75, § 11, 43 Stat. 746; July 1, 1943, ch. 183, 57 Stat. 310, prescribed duties of the collectors of customs.

Section 201, acts Jan. 13, 1925, ch. 75, § 13, 43 Stat. 746; Feb. 14, 1931, ch. 185, § 12, 46 Stat. 1114; July 1, 1943, ch. 183, 57 Stat. 310, prescribed duties of United States attorneys.

Section 202, acts Jan. 13, 1925, ch. 75, § 15, 43 Stat. 747; Feb. 14, 1931, ch. 185, § 13, 46 Stat. 1114; June 25, 1938, ch. 686, § 6, 52 Stat. 1172; July 1, 1943, ch. 183, 57 Stat. 311, prescribed penalties for violations of sections 192, 193, and 195 to 211 of this title, required guides to report violations, and prescribed penalty for violation thereof.

Section 202a, acts Jan. 13, 1925, ch. 75, § 16, 43 Stat. 747; Feb. 14, 1931, ch. 185, § 14, 46 Stat. 1114; July 1, 1943, ch. 183, 57 Stat. 310, related to administration of oaths for purposes of prosecution.

Section 202b, act Jan. 13, 1925, ch. 75, § 12, 43 Stat. 746; July 1, 1943, ch. 183, 57 Stat. 312, related to burden of proof in prosecutions under sections 192, 193, and 195 to 211 of this title.

Section 203, act Jan. 13, 1925, ch. 75, § 19, as added July 1, 1943, ch. 183, 57 Stat. 312, stated that sections 192, 193, and 195 to 211 of this title shall not apply to Mount McKinley National Park.

Section 204, act Jan. 13, 1925, ch. 75, § 18, as added July 1, 1943, ch. 183, 57 Stat. 312, declared that the provisions of sections 192, 193, and 195 to 211 of this title were separable.

Section 204a, acts Jan. 13, 1925, ch. 75, § 17, 43 Stat. 747; July 1, 1943, ch. 183, 57 Stat. 312, authorized appropriations to effectuate provisions of the Alaska Game Law.

Section 205, acts Jan. 13, 1925, ch. 75, § 1, 43 Stat. 739; Jan. 13, 1925, ch. 75, § 20, as added July 1, 1943, ch. 183, 57 Stat. 312, prescribed the effective date and short title of sections 192, 193, and 195 to 211 of this title.

Section 206, acts Jan. 13, 1925, ch. 75, § 2, 43 Stat. 739; Feb. 14, 1931, ch. 185, § 1, 46 Stat. 1111; June 25, 1938, ch. 686, § 1, 52 Stat. 1169; July 1, 1943, ch. 183, 57 Stat. 301, defined terms used in sections 192, 193, and 195 to 211 of this title.

Section 207, acts Jan. 13, 1925, ch. 75, § 3, 43 Stat. 740; Feb. 14, 1931, ch. 185, § 2, 46 Stat. 1111; June 25, 1938, ch. 686, § 2, 52 Stat. 1170; July 1, 1943, ch. 183, 57 Stat. 303; Apr. 20, 1949, ch. 81, 63 Stat. 56, provided for residence and citizenship requirements for hunting, fishing, etc.

Section 208, acts Jan. 13, 1925, ch. 75, § 4, 43 Stat. 740; July 1, 1943, ch. 183, 57 Stat. 303; July 23, 1953, ch. 238, 67 Stat. 185, provided for the composition of the Alaska Game Commission, its tenure and the qualifications of members.

Section 209, acts Jan. 13, 1925, ch. 75, § 4, 43 Stat. 740; July 1, 1943, ch. 183, 57 Stat. 303, authorized the Secretary to remove members of the Commission and to fill vacancies.

Section 210, acts Jan. 13, 1925, ch. 75, § 4, 43 Stat. 740; July 1, 1943, ch. 183, 57 Stat. 304; July 24, 1947, ch. 307, § 1, 61 Stat. 415, prescribed the compensation of members of the Commission per diem allowances, and the salary of the executive officer.

Section 211, acts Jan. 13, 1925, ch. 75, § 4, 43 Stat. 740; July 1, 1943, ch. 183, 57 Stat. 304, provided for the office of the commission, its business, and its seal.

Section 212, acts Aug. 18, 1894, ch. 301, § 1, 28 Stat. 391; Feb. 14, 1903, ch. 552, § 7, 32 Stat. 828; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; May 31, 1920, ch. 217, 41 Stat. 716, directed the Secretary to fix the price of blue fox skins paid to natives of St. Paul Island.

Section 213, act May 31, 1920, ch. 217, 41 Stat. 717, enumerated the powers of bird reservation wardens.

§§ 220 to 224. Omitted

CODIFICATION

Sections 220 to 224 were omitted from the Code as obsolete.

Section 220, act Feb. 1903, ch. 552, § 7, 32 Stat. 828, vested the control over the fur seal, salmon and other fisheries of Alaska in the Department of the Interior.

Section 221, acts June 6, 1924, ch. 272, § 1, 43 Stat. 464; June 18, 1926, ch. 621, 44 Stat. 752, empowered the Secretary to set aside fishing areas, prescribed closed seasons, and to place limitations on catch.

Section 222, acts June 6, 1924, ch. 272, § 1, 43 Stat. 464; June 18, 1926, ch. 621, 44 Stat. 752, declared that fishing in certain areas was unlawful, prohibited the granting of exclusive rights, and provided that citizens shall not be denied fishing rights.

Section 222a, acts June 6, 1924, ch. 272, § 1, 43 Stat. 464; Aug. 14, 1937, ch. 622, 50 Stat. 639; Apr. 7, 1938, ch. 110, 52 Stat. 208, prohibited commercial salmon fishing by nonresidents.

Section 223, acts June 6, 1924, ch. 272, § 1, 43 Stat. 464; June 18, 1926, ch. 621, 44 Stat. 752, related to prohibited areas in creeks, streams, rivers, etc.

Section 223a, acts June 6, 1924, ch. 272, § 1, 43 Stat. 464; June 18, 1926, ch. 621, 44 Stat. 752, authorized the Secretary to permit the taking of fish or shellfish for bait purposes.

Section 223b, acts June 6, 1924, ch. 272, § 1, 43 Stat. 464; Aug. 2, 1937, ch. 556, 50 Stat. 557, authorized the Secretary to lease bottoms for oyster cultivation.

Section 224, acts June 6, 1924, ch. 272, § 1, 43 Stat. 464; June 18, 1926, ch. 621, 44 Stat. 752, prohibited importation of salmon during closed seasons.

§ 225. Repealed. Pub. L. 85–296, Sept. 4, 1957, 71 Stat. 617

Section, act June 6, 1924, ch. 272, § 2, 43 Stat. 465, related to escapement in certain instances of portion of salmon run in waters of Alaska.

§§ 226 to 239. Omitted

CODIFICATION

Sections 226 to 239 were omitted from the Code as obsolete.

Section 226, act June 6, 1924, ch. 272, § 6, 43 Stat. 466, prescribed the penalties for violation of the fishing laws.

Section 227, act June 6, 1924, ch. 272, § 6, 43 Stat. 466, empowered the Director of the Fish and Wildlife Service to designate employees as peace officers.

Section 228, act June 6, 1924, ch. 272, § 8, 43 Stat. 467, provided that nothing in sections 221 to 224, 226 to 228, and 232 to 234 of this title shall not abrogate or curtail any territorial powers.

Section 229, act May 31, 1920, ch. 217, 41 Stat. 717, enumerated powers of bird reservation wardens.

Section 230, act June 26, 1906, ch. 3547, § 1, 34 Stat. 478, established a license tax on canning fish.

Section 231, acts June 26, 1906, ch. 3547, § 2, 34 Stat. 478; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, listed exemptions from the license tax.

Section 232, acts June 26, 1906, ch. 3547, § 4, 34 Stat. 479; June 6, 1924, ch. 272, § 4, 43 Stat. 466, prescribed the manner of taking fish.

Section 233, acts June 26, 1900, ch. 3547, § 3, 34 Stat. 479; June 6, 1924, ch. 272, § 3, 43 Stat. 465; Apr. 16, 1934, ch. 146, § 1, 48 Stat. 594; Mar. 16, 1955, ch. 12, 69 Stat. 12, prohibited obstructions in waters for capturing salmon.

Section 234, acts June 26, 1906, ch. 3547, § 5, 34 Stat. 479; June 6, 1924, ch. 272, § 5, 43 Stat. 466; July 2, 1940, ch. 514, 54 Stat. 723, related to the closed season for salmon and to stationary and floating traps.

Section 235, acts June 26, 1906, ch. 3547, § 7, 34 Stat. 480; Feb. 28, 1929, ch. 365, 45 Stat. 1349, required salmon to be canned or salted within forty-eight hours after being killed.

Section 236, act June 26, 1906, ch. 3547, § 8, 34 Stat. 480, prohibited waste or destruction of food fish.

Section 237, act June 26, 1906, ch. 3547, § 9, 34 Stat. 480, prohibited false labeling or branding of packages of fish.

Section 238, acts June 26, 1906, ch. 3547, § 10, 34 Stat. 480; Mar. 4, 1913, ch. 141, § 1, 37, Stat. 736, required reports of persons engaged in the fishing industry.

Section 239, acts June 26, 1906, ch. 3547, § 11, 34 Stat. 480; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, related to the manner of catching or killing fish.

§ 240. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 637

Section 240, acts June 4, 1897, ch. 2, § 1, 30 Stat. 29; June 23, 1913, ch. 3, 38 Stat. 63, authorized appointment of an agent and assistant agent for protection of salmon fisheries.

§§ 241 to 248b. Omitted

CODIFICATION

Sections 241 to 248b were omitted from the Code as obsolete.

Section 241, acts June 26, 1906, ch. 3547, § 12, 34 Stat. 480; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, empowered the Secretary to deputize officers and employees of the Department as law enforcement officers.

Section 242, acts June 26, 1906, ch. 3547, § 14, 34 Stat. 481; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, related to jurisdiction of prosecutions for violations of sections 230 to 239, 241, and 242 of this title.

Section 243, acts June 14, 1906, ch. 3299, § 1, 34 Stat. 263; June 25, 1938, ch. 689, 52 Stat. 1174, prohibited fishing by aliens and permitted sales to aliens.

Section 244, act June 14, 1906, ch. 3299, § 2, 34 Stat. 264, prescribed the penalties for violations of sections 243 to 247 of this title.

Section 245, act June 14, 1906, ch. 3299, § 3, 34 Stat. 264, provided for the jurisdiction of prosecutions under sections 243 to 247 of this title.

Section 246, acts June 14, 1906, ch. 3299, § 4, 34 Stat. 264; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; ug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 495, 501, authorized searches and seizures of vessels.

Section 247, acts June 14, 1906, ch. 3299, § 5, 34 Stat. 264; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 495, 561, empowered the Secretary to promulgate rules and regulations to carry into effect the provisions of sections 243 to 246 of this title.

Section 248, acts Aug. 18, 1941, ch. 368, § 1, 55 Stat. 632; June 29, 1956, ch. 460, §§ 1, 2, 70 Stat. 372, provided for the protection of walruses.

Section 248a, act Aug. 18, 1941, ch. 368, § 2, 55 Stat. 633, prescribed the duties of law enforcement officers,

and for the forfeiture of equipment of convicted persons.

Section 248b, act Aug. 18, 1941, ch. 368, § 3, 55 Stat. 633, defined terms used in sections 248 to 248b of this title.

§§ 250 to 250p. Transferred

CODIFICATION

Section 250, act Sept. 1, 1937, ch. 897, § 1, 50 Stat. 900, which declared the purpose of sections 250 to 250n of this title for the establishment of a reindeer industry, was transferred to section 500 of Title 25, Indians.

Section 250a, act Sept. 1, 1937, ch. 897, § 2, 50 Stat. 900, which authorized the Secretary of the Interior to acquire reindeer and other property, was transferred to section 500a of Title 25.

Section 250b, act Sept. 1, 1937, ch. 897, § 3, 50 Stat. 900, which required the filing of claims to title to reindeer by nonnatives, was transferred to section 500b of Title 25.

Section 250c, act Sept. 1, 1937, ch. 897, § 4, 50 Stat. 900, which authorized the Secretary to accept gifts for the purposes of sections 250 to 250n of this title, was transferred to section 500c of Title 25.

Section 250d, act Sept. 1, 1937, ch. 897, § 5, 50 Stat. 900, which empowered the Secretary to receive and expand loans, grants, or allocations for the purposes of sections 250 to 250n of this title, was transferred to section 500d of Title 25.

Section 250e, act Sept. 1, 1937, ch. 897, § 6, 50 Stat. 900, which established a revolving fund for the purposes of sections 250 to 250n of this title, was transferred to section 500e of Title 25.

Section 250f, act Sept. 1, 1937, ch. 897, § 7, 50 Stat. 900, which related to the management of the reindeer industry, was transferred to section 500f of Title 25.

Section 250g, act Sept. 1, 1937, ch. 897, § 8, 50 Stat. 901, which empowered the Secretary to distribute reindeer, property, and profits to natives, was transferred to section 500g of Title 25.

Section 250h, act Sept. 1, 1937, ch. 897, § 9, 50 Stat. 901, which authorized the Secretary to grant administrative powers to organizations of natives, was transferred to section 500h of Title 25.

Section 250i, act Sept. 1, 1937, ch. 897, § 10, 50 Stat. 901, which provided for the alienation of reindeer or interests, was transferred to section 500i of Title 25.

Section 250j, act Sept. 1, 1937, ch. 897, § 11, 50 Stat. 902, which defined reindeer as used in sections 250 to 250n, of this title, was transferred to section 500j of Title 25.

Section 250k, act Sept. 1, 1937, ch. 897, § 12, 50 Stat. 902, which authorized the Secretary to promulgate rules and regulations, was transferred to section 500k of Title 25.

Section 250*l*, act Sept. 1, 1937, ch. 897, § 13, 50 Stat. 902, which directed the Secretary, whenever practicable, to appoint natives to administer the industry, was transferred to section 500*l* of Title 25.

Section 250m, act Sept. 1, 1937, ch. 897, § 14, 50 Stat. 902, which related to the use of public lands, was transferred to section 500m of Title 25.

Section 250n, act Sept. 1, 1937, ch. 897, § 15, 50 Stat. 902, which defined "Natives of Alaska" for the purposes of sections 250 to 250n of this title, was transferred to section 500n of Title 25.

Section 250o, act Sept. 1, 1937, ch. 897, § 16, 50 Stat. 902, which authorized the appropriation of $2,000,000.00 to carry out sections 250 to 250n of this title, is now set out as a note under section 500 of Title 25.

Section 250p, act Sept. 1, 1937, ch. 897, § 17, 50 Stat. 902, which repealed provisions inconsistent with sections 250 to 250n of this title, is now set out as a note under section 500 of Title 25.

§§ 261 to 291. Repealed. Apr. 13, 1934, ch. 119, § 1, 48 Stat. 583

Section 261, act Feb. 14, 1917, ch. 53, § 1, 39 Stat. 903, prohibited the manufacture or sale of intoxicating liquor in the territory of Alaska.

Section 262, act Feb. 14, 1917, ch. 53, § 2, 39 Stat. 903, related to a permit for transportation of pure alcohol.

Section 263, act Feb. 14, 1917, ch. 53, § 3, 39 Stat. 904, related to an application for a permit to transport pure alcohol.

Section 264, act Feb. 14, 1917, ch. 53, § 4, 39 Stat. 904, related to the form and issue of permits for the transport pure alcohol.

Section 265, act Feb. 14, 1917, ch. 53, § 5, 39 Stat. 904, related to the maintenance of a record of permits.

Section 266, act Feb. 14, 1917, ch. 53, § 6, 39 Stat. 904, related to attaching permits to packages.

Section 267, act Feb. 14, 1917, ch. 53, § 25, 39 Stat. 908, related to revocation of licenses of pharmacists.

Section 268, act Feb. 14, 1917, ch. 53, § 7, 39 Stat. 904, related to records for shipments of pure alcohol.

Section 269, act Feb. 14, 1917, ch. 53, § 8, 39 Stat. 905, related to transportation of wine for sacramental purposes.

Section 270, act Feb. 14, 1917, ch. 53, § 9, 39 Stat. 905, related to refusal of delivery of sacramental wine without a certificate.

Section 271, act Feb. 14, 1917, ch. 53, § 10, 39 Stat. 905, related to alcohol for scientific purposes.

Section 272, act Feb. 14, 1917, ch. 53, § 11, 39 Stat. 905, related to the form for permits for the transport of alcohol for scientific purposes.

Section 273, act Feb. 14, 1917, ch. 53, § 12, 39 Stat. 906, related to the cancellation of permits to transport alcohol for scientific purposes.

Section 274, act Feb. 14, 1917, ch. 53, § 13, 39 Stat. 906, related to the use of buildings or vehicles for the unlawful manufacture, transportation, or disposal of intoxicating liquors.

Section 275, act Feb. 14, 1917, ch. 53, § 14, 39 Stat. 906, related to the importation or possession of liquors except as provided by law.

Section 276, act Feb. 14, 1917, ch. 53, § 15, 39 Stat. 906, related to drinking intoxicating liquors in or on a passenger coach.

Section 277, act Feb. 14, 1917, ch. 53, § 16, 39 Stat. 906, related to the penalty for maintaining a place for unlawful sale of alcoholic liquors.

Section 278, act Feb. 14, 1917, ch. 53, § 17, 39 Stat. 906, related to arrest for unlawful manufacture sale or transport of intoxicating liquors.

Section 279, act Feb. 14, 1917, ch. 53, § 18, 39 Stat. 907, related to evidence necessary to convict.

Section 280, act Feb. 14, 1917, ch. 53, § 19, 39 Stat. 907, related to holding places which dispensed alcoholic liquor unlawfully as a nuisance.

Section 281, act Feb. 14, 1917, ch. 53, § 20, 39 Stat. 907, related to abatement of liquor nuisances.

Section 282, act Feb. 14, 1917, ch. 53, § 21, 39 Stat. 907, related to forfeiture of a lease by a tenant convicted of maintaining a liquor nuisance.

Section 283, act Feb. 14, 1917, ch. 53, § 22, 39 Stat. 908, related to owners of buildings knowingly permitting a liquor nuisance.

Section 284, act Feb. 14, 1917, ch. 53, § 23, 39 Stat. 908, provided that no property rights exist in alcoholic liquors illegally manufactured or stored.

Section 285, act Feb. 14, 1917, ch. 53, § 24, 39 Stat. 908, provided for punishment for violation of law.

Section 286, act Feb. 14, 1917, ch. 53, § 26, 39 Stat. 908, related to evidence of sale of intoxicating liquors.

Section 287, act Feb. 14, 1917, ch. 53, § 27, 39 Stat. 908, related to the duties of officers to enforce the law.

Section 288, act Feb. 14, 1917, ch. 53, § 28, 39 Stat. 908, related to the filing of an information for prosecution.

Section 289, act Feb. 14, 1917, ch. 53, § 29, 39 Stat. 908, related to the penalty for unlawful importation of liquor.

Section 290, act Feb. 14, 1917, ch. 53, § 31, 39 Stat. 909, provided for additional legislation as needed.

Section 291, act Feb. 14, 1917, ch. 53, § 32, 39 Stat. 909, provided that in interpretation of these provisions singular include plural and masculine include feminine.

§§ 292, 293. Omitted

CODIFICATION

Section 292, act Apr. 13, 1934, ch. 119, § 2, 48 Stat. 583, which provided for the manufacture and sale of intoxicating liquors, was omitted from the Code as obsolete.

Section 293, act Apr. 13, 1934, ch. 119, § 3, 48 Stat. 584, which ratified and approved the act to create the board of liquor control, and prescribed penalties for violation of rules and regulations of the board, was omitted from the Code as obsolete.

§ 301. Transferred

CODIFICATION

Section, acts Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305; Apr. 10, 1926, ch. 114, 44 Stat. 239; Aug. 4, 1955, ch. 554, 69 Stat. 494, which provided for the location, construction and operation of railroads, and for the use of passes, was transferred to section 975 of Title 43, Public Lands.

§ 301a. Omitted

CODIFICATION

Section, act June 24, 1946, ch. 465, 60 Stat. 304, which authorized use of funds for Alaska Railroad for maintenance and operation of river steamers and other boats and for other expenses, was omitted from the Code as obsolete.

§§ 302 to 308. Transferred

CODIFICATION

Section 302, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305, which authorized construction and maintenance of telegraph and telephone lines, was transferred to section 975a of Title 43, Public Lands.

Section 302a, act May 26, 1900, ch. 586, 31 Stat. 206, which prohibited establishment of telegraph or cable lines by foreigners, was transferred to section 17 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

Section 303, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305, which empowered the President to designate town sites, was transferred to section 975b of Title 43, Public Lands, and was subsequently repealed by Pub. L. 94-579, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

Section 304, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 505, which related to terminals, stations, and rights of way, was transferred to section 975c of Title 43.

Section 305, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 505, which required patents to reserve rights of way to the United States, was transferred to section 975d of Title 43.

Section 306, act Mar. 12, 1914, ch. 37, § 3, 38 Stat. 307, which provided for the disposition of proceeds of lease or sale of public lands, was transferred to section 975e of Title 43.

Section 307, act Mar. 12, 1914, ch. § 1, 38 Stat. 305, which authorized and empowered the President to carry out the provisions dealing with the establishment of public utilities, was transferred to section 975f of Title 43.

Section 308, act Mar. 12, 1914, ch. 37, § 4, 38 Stat. 307, which made mandatory certain annual reports to the President by officers, agents, or agencies covering their activities in connection with the construction and development of public utilities, was transferred to section 975g of Title 43.

§ 309. Repealed. Feb. 10, 1939, ch. 2, § 4(a), 53 Stat. 1

Section, act July 18, 1914, ch. 187, 38 Stat. 517, related to taxation of railroads.

§§ 310 to 312d. Omitted

CODIFICATION

Sections 310 to 312d were omitted from the Code as obsolete.

Section 310, act May 26, 1900, ch. 586, 31 Stat. 206, allowed the conduct of commercial business over military telegraph and cable lines.

Section 311, act May 23, 1941, ch. 130, § 1, 55 Stat. 190, allowed payment of charges for interconnection between radio-telephone facilities of the Alaska Communication System and commercial facilities to be made out of receipts of the Alaska Communication System.

Section 312, acts July 31, 1950, ch. 510, § 1, 64 Stat. 382; Aug. 13, 1953, ch. 430, § 1(1), (2), 67 Stat. 574, authorized the construction of the Eklutna project, reservation of mineral rights, disposition of net proceeds, and reservation of water rights.

Section 312a, acts July 31, 1950, ch. 510, § 2, 64 Stat. 382; Aug. 13, 1953, ch. 430, § 1(3), 67 Stat. 574, covered the disposition of electric power produced from the Eklutna project, rate and rate schedules, sale preferences, disposition of receipts, and creation of a continuing fund.

Section 312b, act July 31, 1950, ch. 510, § 3, 64 Stat. 383, authorized the Secretary of the Interior to perform the acts necessary to carry into effect the Eklutna project and otherwise set out his powers and duties in connection with the project.

Section 312c, act July 31, 1950, ch. 510, § 4, 64 Stat. 383, authorized and directed the Secretary to report on the feasibility of transferring the Eklutna project, upon completion, to public ownership.

Section 312d, act July 31, 1950, ch. 510, § 5, 64 Stat. 383, authorized the Secretary to delegate the powers and functions given him in connection with the Eklutna project.

§§ 315 to 315i. Omitted

CODIFICATION

Sections 315 to 315i were omitted from the Code as obsolete.

Section 315, acts May 31, 1938, ch. 298, § 1, 52 Stat. 589; July 24, 1946, ch. 610, § 1, 60 Stat. 659, authorized public school and utility districts to construct facilities, incur bonded indebtedness, and perform other defined functions.

Section 315a, acts May 31, 1938, ch. 298, § 2, 52 Stat. 589; July 24, 1946, ch. 610, § 2, 60 Stat. 659, required submission of proposal to electors before any public utility or school district could incur a bonded indebtedness.

Section 315b, act May 31, 1938, ch. 298, § 3, 52 Stat. 589, set out the terms, execution, interest, and sales price of bonds of public utility or school district.

Section 315c, act May 31, 1938, ch. 298, § 4, 52 Stat. 590, laid upon the governing body of each district the duty of levying taxes to provide payment of interest and principal on bonds.

Section 315d, act May 31, 1938, ch. 298, § 5, 52 Stat. 590, repealed laws inconsistent with sections 315 to 315d and restricted the effect of any limitation placed upon powers granted thereby to such powers and not to powers granted by any other sections.

Section 315e, acts Jan. 17, 1940, ch. 3, § 1, 54 Stat. 14; Aug. 18, 1958, Pub. L. 85-675, § 1, 72 Stat. 625, authorized the issuance of refunding bonds by municipal corporations and public utility districts.

Section 315f, acts Jan. 17, 1940, ch. 3, § 2, 54 Stat. 15; Aug. 18, 1958, Pub. L. 85-675, § 1, 72 Stat. 626, set the terms, interest, negotiability, etc., of refunding bonds.

Section 315g, acts Jan. 17, 1940, ch. 3, § 3, 54 Stat. 15; Aug. 18, 1958, Pub. L. 85-675, § 1, 72 Stat. 626, laid upon the governing body of municipal corporations or public-utility or school district the duty of levying taxes to retire refunding bonds.

Section 315h, act Jan. 17, 1940, ch. 3, § 4, 54 Stat. 15, ratified prior issues of refunding bonds.

Section 315i, Pub. L. 85-675, § 2, Aug. 18, 1958, 72 Stat. 626, ratified prior issues of refunding bonds.

§ 321. Omitted

CODIFICATION

Section, acts Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192, which related to the establishment of the Board of Road Commissioners and its composition, was omitted from the Code as obsolete.

§§ 321a to 325. Repealed. Pub. L. 86-70, § 21(d)(6), (7), June 25, 1959, 73 Stat. 146

Section 321a, act June 30, 1932, ch. 320, § 2, 47 Stat. 446, related to the execution of laws pertaining to the construction and maintenance of roads and trails by the Secretary of the Interior.

Section 321b, act June 30, 1932, ch. 320, § 3, 47 Stat. 446, related to the distribution of duties and promulgation of rules and regulation.

Section 321c, act June 30, 1932, ch. 320, § 4, 47 Stat. 446, related to submission of appropriations.

Section 321d, act June 30, 1932, ch. 320, § 5, as added July 24, 1947, ch. 313, 61 Stat. 418, required a reservation of right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures in patents and deeds.

Section 322, acts Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192; June 30, 1932, ch. 320, § 1, 47 Stat. 446; July 14, 1955, ch. 359, 69 Stat. 321, related to the location, lay out, construction, and maintenance of roads, trails and bridges.

Section 323, acts Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192; June 30, 1932, ch. 320, § 1, 47 Stat. 446, related to maps, plans and specifications for roads and trails and contracts for permanent contracts.

Section 324, acts Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192; June 30, 1932, ch. 320, § 1, 47 Stat. 446, related to related to repair of roads and trails.

Section 325, acts Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192; June 30, 1932, ch. 320, § 1, 47 Stat. 446, related to the costs and expenses of laying out, constructing, and repairing roads and trails.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective July 1, 1959, see section 21(d) of Pub. L. 86-70 set out as an Effective Date of 1959 Amendment note under section 103 of Title 23, Highways.

§§ 326 to 330. Omitted

CODIFICATION

Section 326, acts Feb. 12, 1925, ch. 225, title II, 43 Stat. 930; June 30, 1932, ch. 320, § 1, 47 Stat. 446, which authorized the incurring of obligations for roads, bridges, and trails in advance of appropriations in certain cases, was omitted from the Code as obsolete.

Section 327, acts June 30, 1921, ch. 33, § 1, 42 Stat. 90; June 30, 1932, ch. 320, § 1, 47 Stat. 446, which authorized the Secretary of Interior to accept contributions from the Territory or from other sources for use in construction, maintenance, or repair of roads, bridges, ferries, trails, and related works in the Territory, was omitted from the Code as obsolete.

Section 328, act July 9, 1918, ch. 143, 40 Stat. 863, which related to estimates for work on roads, was omitted from the Code as obsolete.

Section 329, acts Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192, which related to expenses of board in addition to salary, was omitted from the Code as obsolete.

Section 330, act Apr. 27, 1914, ch. 72, 38 Stat. 366, which related to per diem commutation of Army officer member of the board, was omitted from the Code as obsolete.

§§ 331 to 337. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section 331, act Apr. 27, 1904, ch. 1629, 33 Stat. 391, related to road overseers and to the creation of road districts.

Section 332, act Apr. 27, 1904, ch. 1629, 33 Stat. 391, related to the term of office and qualification of road overseers.

Section 333, act Apr. 27, 1904, ch. 1629, 33 Stat. 392, related to the duties of overseers.

Section 334, act Apr. 27, 1904, ch. 1629, 33 Stat. 392, related to work on roads.

Section 335, act Apr. 27, 1904, ch. 1629, 33 Stat. 393, related to an annual report.

Section 336, act Apr. 27, 1904, ch. 1629, 33 Stat. 393, related to neglect or refusal of road overseers to perform their duties.

Section 337, act Apr. 27, 1904, ch. 1629, 33 Stat. 393, related to compensation of road overseers.

§§ 338 to 338g. Omitted

CODIFICATION

Sections 338 to 338g were omitted from the Code as obsolete.

Section 338, acts Aug. 1956, ch. 840, § 1, 70 Stat. 888; Apr. 20, 1957, Pub. L. 85-16, 71 Stat. 14; July 6, 1959, Pub. L. 86-78, § 1(1), 73 Stat. 161, established the Alaska International Rail and Highway Commission, set out its size and structure, appointment of its members, and selection of chairman and vice chairman, and authorized the appointment of an Army officer to the Commission.

Section 338a, act Aug. 1, 1956, ch. 840, § 2, 70 Stat. 8888, set out the duties of the Commission.

Section 338b, acts Aug. 1, 1956, ch. 840, § 3, 70 Stat. 888; Aug. 8, 1958, Pub. L. 85-601, § 1(a), 72 Stat. 524, authorized the Commission to cooperate with Canada in carrying out its functions.

Section 338c, act Aug. 1, 1956, ch. 840, § 4, 70 Stat. 889, set out the powers of the Commission to conduct hearings, administer oaths and affirmations, employ experts, utilize facilities, information, and personnel of other federal departments and agencies, and use information contained in certain named surveys and plans.

Section 338d, act Aug. 1, 1956, ch. 840, § 5, 70 Stat. 889, authorized the Commission to delegate its powers and duties, other than the duty of submitting reports and making recommendations to the Congress.

Section 338e, act Aug. 1, 1956, ch. 840, § 6, 70 Stat. 889, provided for reimbursement of Commission members for travel, subsistence, and other necessary expenses although it expresaly called for service by Commission members without compensation.

Section 338f, acts Aug. 1, 1956, ch. 840, § 7, 70 Stat. 889; Aug. 8, 1958, Pub. L. 85-601, § 1(b), 72 Stat. 524; July 6, 1959, Pub. L. 86-78, § 1(2), 73 Stat. 161, required the Commission to make certain reports and recommendations and called for termination of the Commission after the submission of its final report.

Section 338g, act Aug. 1, 1956, ch. 840, § 8, 70 Stat. 889; Aug. 8, 1958, Pub. L. 85-601, § 1(c), 72 Stat. 525, authorized the making of appropriations to enable the Commission to carry out its functions.

§ 341. Transferred

CODIFICATION

Section, act Mar. 30, 1948, ch. 162, 62 Stat. 100, which made provision for the occupancy and use of national-forest lands under permit and dealt with the period of such permits, size of area allotted, prohibitions, and the termination of permits, was transferred to section 497a of Title 16, Conservation.

§§ 351, 352. Transferred

CODIFICATION

Section 351, act Mar. 3, 1889, ch. 424, § 1, 30 Stat. 1098, which extended to the Territory the system of public land surveys, was transferred to section 751a of Title 43, Public Lands.

Section 352, acts Mar. 2, 1907, ch. 2537, § 4, 34 Stat. 1232; Mar. 3, 1925, ch. 462, 43 Stat. 1144; Oct. 9, 1942, ch. 584, § 2, 56 Stat. 779, which provided for the making of land surveys in the Nome and Fairbanks districts, was transferred to section 751b of Title 43.

§ 353. Repealed. Pub. L. 85-508, § 6(k), July 7, 1958, 72 Stat. 343

Section, acts Mar. 4, 1915, ch. 181, § 1, 38 Stat. 1214; Mar. 5, 1952, ch. 80, §§ 1 to 3, 66 Stat. 14; Aug. 5, 1953, ch. 323, 67 Stat. 364; Aug. 2, 1956, ch. 892, 70 Stat. 954; Aug. 27, 1958, Pub. L. 85-771, § 3, 72 Stat. 929, made reservation of certain lands for educational purposes, covered disposition of proceeds or income derived from reserved lands, and set out the exclusion of certain lands.

§§ 353a to 362. Transferred

CODIFICATION

Section 353a, act May 31, 1938, ch. 304, 52 Stat. 593, which authorized the Secretary of the Interior to reserve tracts in Alaska for school, hospitals, etc. for the Indians, Eskimos, and Aleuts of Alaska, was transferred to section 497 of Title 25, Indians, and was subsequently repealed by Pub. L. 94-579, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

Section 354, act Mar. 4, 1915, ch. 181, § 2, 38 Stat. 1215, which set aside a site for an agricultural college and school of mines, is now set out as note under section 852 of Title 43, Public Lands.

Section 354a, acts Jan. 21, 1929, ch. 92, §§ 1-7, 45 Stat. 1091-1093; July 12, 1960, Pub. L. 86-620, §§ 1, 2, 74 Stat. 408, which made additional grants for an agricultural college and school of mines and imposed certain conditions and limitations, is now set out as a note under section 852 of Title 43.

Section 355, act Mar. 3, 1891, ch. 561, § 11, 26 Stat. 1099, which permitted lands to be entered for townsite purposes and set out the requirements for the proper execution of the trust created thereby, was transferred to section 732 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 355a, act May 25, 1926, ch. 379, § 1, 44 Stat. 629, which authorized town-site trustee to issue a deed setting aside lands on survey of town site for Indian or Eskimo lands, was transferred to section 733 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 355b, act May 25, 1926, ch. 379, § 2, 44 Stat. 630, which authorized the extension of streets and alleys across Indian or Eskimo lands, was transferred to section 734, of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 355c, act May 25, 1926, ch. 379, § 3, 44 Stat. 630, which authorized the Secretary of the Interior to have nonmineral lands surveyed into lots and blocks, was transferred to section 735 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 355d, act May 25, 1926, ch. 379, § 4, 44 Stat. 630, which authorized the Secretary to prescribe appropriate regulations for the administration of sections 355a to 355c of this title, was transferred to section 736 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 355e, act Feb. 26, 1948, ch. 72, 62 Stat. 35, which permitted the holding of town-site lands under unrestricted deeds by Alaska natives under certain conditions, was transferred to section 737 of Title 43.

Section 356, act June 6, 1900, ch. 786, § 27, 31 Stat. 330, which prohibited the disturbing of the occupancy of lands being occupied by Indians or other persons conducting schools or missions but expressly cautioned against a construction of this section which might serve to place in force in the Territory the general land laws of the United States, was transferred to section 280a of Title 25, Indians.

Section 357, acts May 17, 1906, ch. 2469, 34 Stat. 197; Aug. 2, 1956, ch. 891, § 1(a)-(d), 70 Stat. 954, which authorized the making of homestead allotments to native Indians, Aleuts, or Eskimos, was transferred to section 270-1 of Title 43, Public Lands, and was subsequently repealed by Pub. L. 92-203, § 18(a), Dec. 18, 1971, 85 Stat. 710.

Section 357a, act May 17, 1906, ch. 2469, § 2, as added Aug. 2, 1956, ch. 891, § 1(e), 70 Stat. 954, which permitted allotments of land in national forests if the land was certified as chiefly valuable for agricultural or grazing uses, was transferred to section 270-2 of Title 43, and was subsequently repealed by Pub. L. 92-203, § 18(a), Dec. 18, 1971, 85 Stat. 710.

Section 357b, act May 27, 1906, ch. 2469, § 2, as added Aug. 2, 1956, ch. 891, § 1(e), 70 Stat. 954, which prohibited the making of an allotment unless the person made satisfactory proof of substantially continuous use and occupancy of the land for five years, was transferred to section 270-3 of Title 43, and was subsequently repealed by Pub. L. 92-203, § 18(a), Dec. 18, 1971, 85 Stat. 710.

Section 358, act Mar. 3, 1891, ch. 561, § 15, 26 Stat. 1101, which reserved the Annette Islands for the Metlakahtla Indians, was transferred to section 495 of Title 25, Indians.

Section 358a, act May 1, 1936, ch. 254, § 2, 49 Stat. 1250, which authorized the designation of land for the use of Indians or Eskimos, was transferred to section 496 of Title 25, and was subsequently repealed by Pub. L. 94-579, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

Section 359, acts May 14, 1898, ch. 299, § 10, 30 Stat. 413; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144, which set out the requirements of filing, publishing, and posting of proofs needed for proving claims, as well as the form and use of the affidavits, was transferred to section 270-4 of Title 43, Public Lands.

Section 360, act July 3, 1926, ch. 745, § 1, 44 Stat. 821, which authorized the leasing of land for the purpose of fur farming, was transferred to section 687c of Title 43.

Section 361, act July 3, 1926, ch. 745, § 2, 44 Stat. 822, which authorized the Secretary of the Interior to perform any and all acts necessary to carry into effect the provisions of section 360, was transferred to section 687c-1 of Title 43.

Section 362, act May 1, 1936, ch. 254, § 1, 49 Stat. 1250, which called for the application to the Territory of certain statutes dealing with the conservation of Indian lands and allowed the organization of groups of Indians not recognized as bands or tribes, was transferred to section 473a of Title 25, Indians.

§ 363. Repealed. June 14, 1926, ch. 578, § 5, as added June 4, 1954, ch. 263, 68 Stat. 175

Section, act Oct. 17, 1940, ch. 890, § 1, 54 Stat. 1192, authorized, with limitations, the sale or lease of unreserved public lands in Alaska to incorporated cities and towns in Alaska for cemetery, park, or recreational purposes.

§§ 364 to 365. Transferred

CODIFICATION

Section 364, act July 24, 1947, ch. 305, 61 Stat. 414, which authorized the legislature to provide for the exercise of zoning power in town sites, was transferred to section 738 of Title 43, Public Lands, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 364a, act Aug. 30, 1949, ch. 521, § 1, 63 Stat. 679, which authorized the sale of certain public lands

and set out the requirements of public auction, notice, and proof of the buyer's intention, was transferred to section 687b of Title 43.

Section 364b, act Aug. 30, 1949, ch. 521, § 2, 63 Stat. 679, which prohibited the sale of land for less than the appriased value and the cost of making any survey to properly describe the land sold, was transferred to section 687b-1 of Title 43.

Section 364c, act Aug. 30, 1949, ch. 521, § 3, 63 Stat. 679, which called for issuance of a certificate of purchase to buyers of public lands and made provision for patent in fee and issuance and contents thereof and placed the liability for mining damage upon persons prospecting for and removing minerals, was transferred to section 687b-2 of Title 43.

Section 364d, act Aug. 30, 1949, ch. 521, § 4, 63 Stat. 679, which saved existing rights and limited the application of sections 364a-364e of this title, was transferred to section 687b-3 of title 43.

Section 364e, act Aug. 30, 1949, ch. 521, § 5, 63 Stat. 679, which authorized the Secretary of the Interior to make rules and regulations to carry out the purposes of section 364a to 364e of this title, was transferred to section 687b-4 of Title 43.

Section 364f, Pub. L. 88-66, July 19, 1963, 77 Stat. 80, which called for the application of equitable principles upon submission of proof of compliance with use requirements after prescribed period, was transferred to section 687b-5 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 365, act Oct. 9, 1942, ch. 584, § 6, 56 Stat. 779, which provided for the continuation of existing land districts and offices and made provision for making of changes in district boundaries, discontinuance of districts, and designation of land offices, was transferred to section 123a of Title 43.

§§ 366 to 367. Omitted

CODIFICATION

Section 366, act Oct. 9, 1942, ch. 584, § 2, 56 Stat. 779, which related to registers at land offices at Anchorage, Nome, and Fairbanks, was omitted from the Code in view of Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 60 Stat. 1100, which abolished the office of land register and transferred its functions to the Secretary of the Interior, and was subsequently repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 366a, act Oct. 9, 1942, ch. 584, § 3, 56 Stat. 779, which related to additional registers, was omitted from the Code in view of section 403 of Reorg. Plan No. 3 of 1946, and was subsequently repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

Section 367, act Oct. 9, 1942, ch. 584, § 4, 56 Stat. 779, which related to the duties of registers, was omitted from the Code in view of section 403 of Reorg. Plan No. 3 of 1946. See section 366 of this title.

§ 367a. Transferred

CODIFICATION

Section, act Oct. 9, 1942, ch. 584, § 5, 56 Stat. 779, which made public land claimants liable for fees, commissions, or purchase money required by law to be paid, was transferred to section 79d of Title 43, Public Lands.

§ 368. Omitted

Section, act June 5, 1920, ch. 235, § 1, 41 Stat. 908, which related to compensation of clerks in district land offices, was omitted from the Code as limited to the appropriation act of which it was a part.

§§ 371 to 371c. Transferred

CODIFICATION

Section 371, acts May 14, 1898, ch. 299, § 1, 30 Stat. 409; Mar. 3, 1903, ch. 1002, 32 Stat. 1028; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; Apr. 29, 1950, ch. 137, § 1, 64 Stat. 94; Aug. 2, 1955, ch. 496, § 1, 69 Stat. 444, which extended the homestead laws to Alaska, was transferred to section 270 of Title 43, Public Lands, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 371a, act Apr. 29, 1950, ch. 137, § 2, 64 Stat. 95, which required the filing of notice of location by all persons maintaining a settlement claim on public land on April 29, 1950 if notice of location had not previously been filed, was transferred to section 270-5 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 371b, act Apr. 29, 1950, ch. 137, § 3, 64 Stat. 95, which specified the effect of failing to file the notice of settlement required by section 371a of this title, was transferred to section 270-6 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 371c, acts Apr. 29, 1950, ch. 137, § 4, 64 Stat. 95; July 11, 1956, ch. 571, § 2, 70 Stat. 529, which provided for final or homestead proof on unsurveyed land as a basis for free survey and set a time limit therefor, was transferred to section 270-7 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

§ 372. Omitted

CODIFICATION

Section, acts June 5, 1920, ch. 265, 41 Stat. 1059; Aug. 3, 1955, ch. 496, § 3, 69 Stat. 444, which modified the restrictions upon the location of homestead sites, was omitted from the Code as obsolete.

§§ 373 to 385. Transferred

CODIFICATION

Section 373, acts July 8, 1916, ch. 228, § 1, 39 Stat. 352; June 28, 1918, ch. 110, 40 Stat. 632, which set a limit on the amount of homestead entries, was transferred to section 270-8 of Title 43, Public Lands, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 374, acts July 8, 1916, ch. 228, § 1, 39 Stat. 352; June 28, 1918, ch. 110, 40 Stat. 632, which permitted a homestead entry in Alaska notwithstanding a former homestead entry in another state or territory, was transferred to section 270-9 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 375, act July 8, 1916, ch. 228, § 2, as added June 28, 1918, ch. 110, 40 Stat. 633, and amended Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; July 11, 1956, ch. 571, § 1, 70 Stat. 528, which made provision for proof of entry on unsurveyed lands, was transferred to section 270-10 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 376, acts Mar. 8, 1922, ch. 96, § 1, 42 Stat. 415; Aug. 23, 1958, Pub. L. 85-725, § 1, 72 Stat. 730, which covered claims on land containing coal, oil, and gas, was transferred to section 270-11 of Title 43.

Section 377, acts Mar. 8, 1922, ch. 96, § 2, 42 Stat. 416; Aug. 23, 1958, Pub. L. 85-725, § 2, 72 Stat. 730, which called for the inclusion, in the patent for lands containing coal, oil, and gas, of a reservation to the United States of such minerals together with the right to prospect for, mine, and remove the same, was transferred to section 270-12 of Title 43.

Section 377a, act Mar. 8, 1922, ch. 96, § 3, as added Aug. 17, 1961, Pub. L. 87-147, 75 Stat. 384, and amended Oct. 3, 1962, Pub. L. 87-742, 76 Stat. 740, which allowed the Secretary of the Interior to make disposition of lands known to contain coal, oil, or gas, was transferred to section 270-13 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 378, act July 8, 1916, ch. 228, § 3, formerly § 2, 39 Stat. 352, renumbered June 28, 1918, ch. 110, 40 Stat. 633, which excepted from homestead settlement

and entry the lands in the Annette and Pribilof Islands, islands leased or occupied for the propagation of foxes, and other islands reserved or withdrawn from settlement or entry, was transferred to section 270–14 of Title 43, and was subsequently repealed by Pub. L. 94–579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 379, acts Apr. 13, 1926, ch. 121, § 1, 44 Stat. 243; Apr. 29, 1950, ch. 134, § 3, 64 Stat. 93, which permitted departure from the system of rectangular forms made by north-south lines in setting out homestead claims when local or topographic conditions required, was transferred to section 270–15 of Title 43.

Section 380, acts Oct. 28, 1921, ch. 114, § 1 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; Apr. 13, 1926, ch. 121, § 2, 44 Stat. 244, which made provision for the survey of soldier's additional entry, was transferred to section 270–16 of Title 43.

Section 380a, act Apr. 13, 1926, ch. 121, § 3, 44 Stat. 244, which provided for the disposition of sums deposited was transferred to section 270–17 of Title 43.

Section 381, acts June 6, 1900, ch. 786, § 26, 31 Stat. 329; May 31, 1938, ch. 297, 52 Stat. 588; Aug. 8, 1947, ch. 514, § 1, 61 Stat. 916; Aug. 14, 1958, Pub. L. 85–662, 72 Stat. 615, which extended the mining laws of the United States to the Territory of Alaska, was transferred to section 49a of Title 30, Mineral Lands and Mining.

Section 381a, act May 4, 1934, ch. 211, §§ 2, 3, 48 Stat. 663, which extended the mining laws relating to placer claims to the Territory of Alaska, was transferred to section 49b of Title 30.

Section 381b, act May 4, 1934, ch. 211, § 3, 48 Stat. 663, which related to effective date of section 381a of this title, is now set out as a note under section 49b of Title 30.

Section 382, act June 6, 1900, ch. 786, § 15, 31 Stat. 327, which required recording notices of location of mining claims, was transferred to section 49c of Title 30.

Section 383, act June 6, 1900, ch. 786, § 16, 31 Stat. 328, which authorized regulations for recording notices of location of mining claims, and legalized certain records, was transferred to section 49d of Title 30.

Section 384, act Mar. 2, 1907, ch. 2559, § 1, 34 Stat. 1343, which required annual labor or improvements on mining claims, was transferred to section 49e of Title 30.

Section 385, act Mar. 2, 1907, ch. 2559, § 2, 34 Stat. 1243, which prescribed the fees for filing proofs of work and improvements, was transferred to section 49f of Title 30.

§ 386. Repealed. Pub. L. 87–260, § 1, Sept. 21, 1961, 75 Stat. 541

Section, act June 7, 1910, ch. 265, 36 Stat. 459, permitted adverse claims provided for in sections 29 and 30 of Title 30, Mineral Lands and Mining, to be filed at any time during the 60 days' period of publication or within eight months thereafter, and adverse suits provided for in section 30 of Title 30, to be instituted at any time within 60 days after the filing of said claims in the local land office.

§§ 387 to 391. Repealed. May 4, 1934, ch. 211, § 1, 48 Stat. 663

Section 387, act Aug. 1, 1912, ch. 269, § 1, 37 Stat. 242, related to limiting association placer-mining claims.

Section 388, act Aug. 1, 1912, ch. 269, § 2, 37 Stat. 243, related to restrictions on power of attorney to locate placer-mining claims.

Section 389, act Aug. 1, 1912, ch. 269, § 3, 37 Stat. 243, related to restrictions on placer locations.

Section 390, act Aug. 1, 1912, ch. 269, § 4, 37 Stat. 243; Mar. 3, 1925, ch. 442, 43 Stat. 1118, related to area and shape of placer claims.

Section 391, act Aug. 1, 1912, ch. 269, § 5, 37 Stat. 243, related to placer locations in violation of law.

See now sections 35 to 37 of Title 30, Mineral Lands and Mining.

§ 392. Omitted

CODIFICATION

Section, act May 14, 1898, ch. 299, § 13, 30 Stat. 415, which provided for reciprocity with Canada as to mining rights, was omitted from the Code as obsolete.

§§ 395 to 405. Omitted

CODIFICATION

Sections 395 to 405 were omitted from the Code as obsolete.

Section 395, act June 25, 1910, ch. 422, § 1, 36 Stat. 848, authorized a miners' labor lien on output, and provided for its priority.

Section 396, act June 25, 1910, ch. 422, § 2, 36 Stat. 848, required the filing of the claim of the lien, and prescribed the form of the claim.

Section 397, act June 25, 1910, ch. 422, § 3, 36 Stat. 849, directed the recorder to record claims of lien.

Section 398, act June 25, 1910, ch. 422, § 4, 36 Stat. 849, specified the duration of the lien.

Section 399, act June 25, 1910, ch. 422, § 5, 36 Stat. 849, prescribed the procedure for foreclosure of the liens.

Section 400, act June 25, 1910, ch. 422, § 6, 36 Stat. 849, authorized defects in lien notice or in proceedings to foreclose to be cured by amendment.

Section 401, act June 25, 1910, ch. 422, § 7, 36 Stat. 850, prescribed certain procedures in proceedings to foreclose liens, and permitted intervention by adverse claimants.

Section 402, act June 25, 1910, ch. 422, § 8, 36 Stat. 850, provided for joinder of plaintiffs, consolidation of actions, and waiver of lien.

Section 403, act June 25, 1910, ch. 422, § 9, 36 Stat. 850, required judgment for claimants, and provided for its enforcement.

Section 404, act June 25, 1910, ch. 422, § 10, 36 Stat. 851, permitted appeals from final judgments of justices of the peace in actions under sections 395 to 405 of this title.

Section 405, act June 25, 1910, ch. 422, § 11, 36 Stat. 851, prescribed the criminal liability for buying, removing, etc., minerals with notice of lien.

§§ 411 to 423. Transferred

CODIFICATION

Section 411, act May 14, 1898, ch. 299, § 2, 30 Stat. 409, which granted railroads rights of way, reserved mineral interests therein, and directed posting of schedules of rates, was transferred to section 942–1 of Title 43, Public Lands.

Section 412, act May 14, 1898, ch. 299, § 3, 30 Stat. 410, which provided for rights of several roads through canyons, was transferred to section 942–2 of Title 43.

Section 413, acts June 2, 1864, ch. 216, § 3, 13 Stat. 357; May 14, 1898, ch. 299, § 4, 30 Stat. 410, which granted the right of condemnation to railroads, was transferred to section 942–3 of Title 43.

Section 414, act May 14, 1898, ch. 299, § 4, 30 Stat. 410, which related to the effect of filing of the preliminary survey, was transferred to section 942–4 of Title 43.

Section 415, act May 14, 1898, ch. 299, § 5, 30 Stat. 410, which required railroads to file maps of the location of their roads, was transferred to section 942–5 of Title 43.

Section 416, act May 14, 1898, ch. 299, § 6, 30 Stat. 411, which provided for right of way for wagon roads, wire rope, aerial, or other tramways, reserved mineral interests, and limited tolls, was transferred to section 942–6 of Title 43.

Section 417, act May 14, 1898, ch. 299, § 7, 30 Stat. 412, which made sections 411 to 419, 421, 423, and 461 to 465 of this title inapplicable to military parks, Indian, and other reservations, was transferred to section 942–7 of Title 43.

Section 418, act May 14, 1898, ch. 299, § 8, 30 Stat. 412, which reserved the right of repeal or amendment, was transferred to section 942-8 of Title 43.

Section 419, act May 14, 1898, ch. 299, § 9, 30 Stat. 413, which related to the map of location of roads, was transferred to section 942-9 of Title 43.

Section 420, act Aug. 1, 1956, ch. 848, § 1, 70 Stat. 898, which related to public lands within highway, telephone, and pipeline withdrawals and authorized amendment of land description of claim or entry on adjoining lands, was transferred to section 971a of Title 43.

Section 420a, act Aug. 1, 1956, ch. 848, § 2, 70 Stat. 898, which permitted the Secretary to sell restored lands and granted preference rights, was transferred to section 971b of Title 43.

Section 420b, act Aug. 1, 1956, ch. 848, § 3, 70 Stat. 898, which related to utilization or occupancy of easements, was transferred to section 971c of Title 43.

Section 420c, act Aug. 1, 1956, ch. 848, § 4, 70 Stat. 898, which related to the effect on valid existing rights, was transferred to section 971d of Title 43.

Section 420d, act Aug. 1, 1956, ch. 848, § 5, as added June 11, 1960, Pub. L. 86-512, 74 Stat. 207, which defined "restored lands" for purposes of sections 420 to 420c of this title, was transferred to section 971e of Title 43.

Section 421, acts May 14, 1898, ch. 299, § 11, 30 Stat. 414; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144, which authorized the Secretary to sell timber on public lands, was transferred to section 615a of Title 16, Conservation.

Section 422, acts Feb. 1, 1905, ch. 288, § 2, 33 Stat. 628; June 5, 1920, ch. 235, § 1, 41 Stat. 917, which permitted export of timber pulpwood and wood pulp, was transferred to section 615b of Title 16.

Section 423, acts May 14, 1898, ch. 299, § 11, 30 Stat. 414; June 15, 1938, ch. 427, 52 Stat. 699, which authorized the Secretary to permit cutting and use of timber by settlers, residents, miners, etc., was transferred to section 607a of Title 16.

§ 431. Omitted

CODIFICATION

Section, acts June 6, 1900, ch. 796, 31 Stat. 658; Apr. 28, 1904, ch. 1772, § 4, 33 Stat. 526, which extended coal land laws of the United States to Alaska, was omitted from the Code as obsolete.

§ 432. Repealed. Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490

Section, act Oct. 20, 1914, ch. 330, § 1, 38 Stat. 741, related to survey of coal lands in Alaska. See section 201 et seq. of Title 30, Mineral Lands and Mining.

§ 433. Repealed. Pub. L. 85-508, § 20, July 7, 1958, 72 Stat. 351

Section, act Oct. 20, 1914, ch. 330, § 2, 38 Stat. 742, related to reservation of coal lands in Alaska. See section 201 et seq. of Title 30, Mineral Lands and Mining.

§§ 434 to 445. Repealed. Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490

Section 434, act Oct. 20, 1914, ch. 330, § 3, 38 Stat. 742, related to division of unreserved lands into leasing blocks or tracts and to leases. See sections 181, 201(a), and 202 of Title 30, Mineral Lands and Mining.

Section 435, act Oct. 20, 1914, ch. 330, § 4, 38 Stat. 742, related to lease of additional lands. See sections 203 and 204 of Title 30.

Section 436, act Oct. 20, 1914, ch. 330, § 5, 38 Stat. 743, related to consolidation of leases. See section 205 of Title 30.

Section 437, act Oct. 20, 1914, ch. 330, § 9, 38 Stat. 744, related to the term of the lease. See section 207 of Title 30.

Section 438, act Oct. 20, 1914, ch. 330, § 9, 38 Stat. 744, related to rents and royalties payable to the United States by lessees. See section 207 of Title 30.

Section 438a, act Oct. 20, 1914, ch. 330, § 19, as added June 6, 1934, ch. 405, 48 Stat. 909, related to suspension of rentals during suspension of operation or production. See section 209 of Title 30.

Section 439, acts Oct. 20, 1914, ch. 330, § 9, 38 Stat. 744; July 10, 1957, Pub. L. 85-88, § 1, 71 Stat. 282; July 7, 1958, Pub. L. 85-508, § 28(a), 72 Stat. 351, related to distribution of net profits, bonuses, royalties, rentals, and other payments. See section 191 of Title 30.

Section 440, acts Oct. 20, 1914, ch. 330, § 6, 38 Stat. 743; Feb. 21, 1944, ch. 18, 58 Stat. 18, related to property leased, limitation of amount, and forfeiture of excess. See sections 184(a), (g), and (h) and 201 et seq. of Title 30.

Section 441, acts Oct. 20, 1914, ch. 330, § 7, 38 Stat. 743; Feb. 21, 1944, ch. 18, 58 Stat. 18, provided for punishment when exceeding authorized interest.

Section 442, acts Oct. 20, 1914, ch. 330, § 8, 38 Stat, 743; Feb. 21, 1944, ch. 18, 58 Stat. 18, prescribed criminal liability of officers and agents of corporations or associations volating the law.

Section 443, act Oct. 20, 1914, ch. 330, § 8a, 38 Stat. 743, related to forfeiture of lease for violation of law. See section 184(k) of Title 30, Mineral Lands and Mining.

Section 444, acts Oct. 20, 1914, ch. 330, § 3, 38 Stat. 742; Mar. 4, 1921, ch. 152, 41 Stat. 1363, related to prospecting permits and leases to prospectors. See section 201(b) of Title 30.

Section 445, act Oct. 20, 1914, ch. 330, § 10, 38 Stat. 744, related to coal for local and domestic needs. See section 208 of Title 30.

§ 445a. Transferred

CODIFICATION

Section, act July 19, 1932, ch. 513, 47 Stat. 707, which permitted purchase of coal from two or more mines adjacent to the Alaska Railroad, was transferred to section 208a of Title 30, Mineral Lands and Mining.

§§ 446 to 452. Repealed. Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490

Section 446, act Oct. 20, 1914, ch. 330, § 11, 38 Stat. 744, related to reservation by the United States in leases, entries, etc.

Section 447, act Oct. 20, 1914, ch. 330, § 12, 38 Stat. 744, related to assignment or subletting of leases.

Section 448, act Oct. 20, 1914, ch. 330, § 13, 38 Stat. 744, related to possession of lessee as possession of the United States.

Section 449, act Oct. 20, 1914, ch. 330, § 14, 38 Stat. 744, related to forfeiture or cancellation of leases.

Section 450, act Oct. 20, 1914, ch. 330, § 16, 38 Stat. 745, related to statements, representations, and reports.

Section 451, act Oct. 20, 1914, ch. 330, § 17, 38 Stat. 745, related to promulgation of rules and regulations. See section 189 of Title 30, Mineral Lands and Mining.

Section 452, act Oct. 20, 1914, ch. 330, § 15, 38 Stat. 745, related to limitation on disposal of coal lands. See section 193 of Title 30.

§ 453. Transferred

CODIFICATION

Section, act May 28, 1908, ch. 211, § 2, 35 Stat. 424, which related to preference right of United States to purchase of coal for Army and Navy, was transferred to section 193a of Title 30, Mineral Lands and Mining.

§§ 455 to 456h. Omitted

CODIFICATION

Sections 455 to 456h were omitted from the Code as obsolete.

Section 455, Pub. L. 85-303, § 1, Sept. 7, 1957, 71 Stat. 623, related to definitions as used in sections 455 to 455e of this title.

Section 455a, Pub. L. 85-303, § 2, Sept. 7, 1957, 71 Stat. 623, granted United States title to the territory of Alaska.

Section 455b, Pub. L. 85-303, § 3, Sept. 7, 1957, 71 Stat. 624, related to lands subject to the Submerged Lands Act.

Section 455c, Pub. L. 85-303, § 4, Sept. 7, 1957, 71 Stat. 625, related to rights retained by the United States.

Section 455d, Pub. L. 85-303, § 5, Sept. 7, 1957, 71 Stat. 625, provided that prior claims be unaffected by sections 455 to 455e of this title.

Section 455e, Pub. L. 85-303, § 6, Sept. 7, 1957, 71 Stat. 625, provided for a survey of community boundaries and establishment of pierhead lines.

Section 456, Pub. L. 85-505, § 1, July 3, 1958, 72 Stat. 322, related to definitions as used in sections 456 to 456h of this title.

Section 456a, Pub. L. 85-505, § 2, July 3, 1958, 72 Stat. 323, related to lease of oil and gas deposits in lands beneath nontidal navigable waters.

Section 456b, Pub. L. 85-505, § 3, July 3, 1958, 72 Stat. 323, related to deposits of receipts and use of moneys.

Section 456c, Pub. L. 85-505, § 4, July 3, 1958, 72 Stat. 323, related to determination of nontidal navigable water.

Section 456d, Pub. L. 85-505, § 5, July 3, 1958, 72 Stat. 323, related to rights to take natural resources from waters and to navigational servitudes.

Section 456e, Pub. L. 85-505, § 6, July 3, 1958, 72 Stat. 323, granted preference rights.

Section 456f, Pub. L. 85-505, § 7, July 3, 1958, 72 Stat. 324, declared the effect on transferred lands.

Section 456g, Pub. L. 85-505, § 9, July 3, 1958, 72 Stat. 324, related to venue of proceedings affecting leases.

Section 456h, Pub. L. 85-505, § 11, July 3, 1958, 72 Stat. 325, related to promulgation of rules and regulations.

§§ 461 to 466. Transferred

CODIFICATION

Section 461, acts May 14, 1898, ch. 299, § 10, 30 Stat. 413; Mar. 3, 1927, ch. 323, 44 Stat. 1364; May 26, 1934, ch. 357, 48 Stat. 809; Aug. 23, 1958, Pub. L. 85-725, § 3, 72 Stat. 730, which related to rights to purchase for trade or manufacture lands in the Territories, prescribed the price and limit of acreage, and limited the amount of land permitted to be purchased, was transferred to section 687a of Title 43, Public Lands.

Section 461a, act Apr. 29, 1950, ch. 137, § 5, 64 Stat. 95, which required the filing of notices of claim for the purchase of land under section 461 of this title, was transferred to section 687a-1 of Title 43.

Section 462, acts May 14, 1898, ch. 299, § 10, 30 Stat. 413; Aug. 3, 1955, ch. 496, § 2, 69 Stat. 444, which prohibited entry on lands on navigable waters, was transferred to section 687a-2 of Title 43.

Section 463, act May 14, 1898, ch. 299, § 10, 30 Stat. 413, which related to several claimants of same tract, was transferred to section 687a-3 of Title 43.

Section 464, act May 14, 1898, ch. 299, § 10, 30 Stat. 413, which reserved landing places along water front for natives, was transferred to section 687a-4 of Title 43, and was subsequently repealed by Pub. L. 94-579, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

Section 465, act May 14, 1898, ch. 299, § 10, 30 Stat. 413, which excepted certain islands from the operation of sections 411 to 419, 421, 423, and 461 to 464 of this title, was transferred to section 687a-5 of Title 43.

Section 466, acts Mar. 3, 1891, ch. 561, § 13, 26 Stat. 1100; Mar. 3, 1925, ch. 462, 43 Stat. 1144, which related to surveys for the purchase of land under sections 461 to 466 of this title, was transferred to section 687a-6 of Title 43.

§§ 471 to 471o. Transferred

CODIFICATION

Section 471, act Mar. 4, 1927, ch. 513, § 1, 44 Stat. 1452, which declared Congressional policy towards grazing districts and privileges, was transferred to section 316 of Title 43, Public Lands.

Section 471a, act Mar. 4, 1927, ch. 513, § 2, 44 Stat. 1452 which defined terms "person", "district", "Secretary", and "lessee", was transferred to section 316a of Title 43.

Section 471b, act Mar. 4, 1927, ch. 513, § 3, 44 Stat. 1452, which gave the Secretary the power to establish grazing districts, was transferred to section 316b of Title 43.

Section 471c, act Mar. 4, 1927, ch. 513, § 4, 44 Stat. 1452, which provided for the alteration of grazing district, was transferred to section 316c of Title 43.

Section 471d, act Mar. 4, 1927, ch. 513, § 5, 44 Stat. 1453, which provided for the giving of notice of the establishment of grazing districts, was transferred to section 316d of Title 43.

Section 471e, act Mar. 4, 1927, ch. 513, § 6, 44 Stat. 1453, which authorized the giving of preferences in considering the applications to lease grazing lands, was transferred to section 316e of Title 43.

Section 471f, act Mar. 4, 1927, ch. 513, § 7, 44 Stat. 1453, which provided for the terms and conditions of leases for grazing lands, was transferred to section 316f of Title 43.

Section 471g, act Mar. 4, 1927, ch. 513, § 8, 44 Stat. 1453, which authorized the Secretary to determine for each lease, the grazing fee, was transferred to section 316g of Title 43.

Section 471h, act Mar. 4, 1927, ch. 513, § 9, 44 Stat. 1453, which provided for the disposition of receipts for grazing fees, was transferred to section 316h of Title 43.

Section 471i, act Mar. 4, 1927, ch. 513, § 10, 44 Stat. 1453, which provided for the assignment of leases by the lessee, was transferred to section 316i of Title 43.

Section 471j, act Mar. 4, 1927, ch. 513, § 11, 44 Stat 1454, which provided for improvements by the lessee of any area included within the provisions of his lease, was transferred to section 316j of Title 43.

Section 471k, act Mar. 4, 1927, ch. 513, § 12, 44 Stat. 1454, which prohibited the grazing of animals on grazing district land without a lease or other permission and set the penalty for violation of the section, was transferred to section 316k of title 43.

Section 471*l*, act Mar. 4, 1927, ch. 513, § 13, 44 Stat. 1454, which authorized the Secretary of the Interior to establish stock driveways and allow free grazing, was transferred to section 316*l* of Title 43.

Section 471m, act Mar. 4, 1927, ch. 513, § 14, 44 Stat. 1454, which made provision for hearing and appeals from decisions of Interior Department employees regarding grazing privileges, was transferred to section 316m of Title 43.

Section 471n, act Mar. 4, 1927, ch. 513, § 15, 44 Stat. 1455, which authorized the Secretary of the Interior to promulgate rules and regulations necessary to the administration of sections 471 to 471o of this title, appoint employees, make expenditures, and investigate, experiment, and improve the reindeer industry and cooperate in the development of plant and animal life, was transferred to section 316n of Title 43.

Section 471o, act Mar. 4, 1927, ch. 513, § 16, 44 Stat. 1455, which continued in force and effect laws aplicable to lands or resources in the same manner as they had applied prior to enactment of sections 471 to 471o of this title with regard to ingress and egress upon lands for any authorized purpose including prospecting for and mining extraction of minerals, was transferred to section 316o of Title 43.

§§ 472, 472a. Repealed. Oct. 31, 1951, ch. 654, § 1(126), 65 Stat. 706

Section 472, act Mar. 27, 1928, ch. 251, § 1, 45 Stat. 371, related to disposition of abandoned military reser-

vations in Alaska, including signal corps stations and rights-of-way. See sections 483 and 484 of Title 40, Public Buildings, Property, and Works.

Section 472a, act Mar. 27, 1928, ch. 251, § 2, 45 Stat. 371, related to promulgation of rules and regulations in connection with abandoned military reservations in Alaska. See sections 483 and 484 of Title 40.

§§ 473 to 484d. Omitted

CODIFICATION

Sections 473 to 484d were omitted from the Code as obsolete.

Section 473, act Dec. 31, 1941, ch. 644, § 1, 55 Stat. 879, established the Alaska militia.

Section 474, act Dec. 31, 1941, ch. 644, § 2, 55 Stat. 879, exempted from the militia service all persons exempted by the laws of the United States, judges of the several courts of the Territory, and members and officers of the Alaska Territorial Legislature.

Section 475, act Dec. 31, 1941, ch. 644, § 3, 55 Stat. 879, established the Alaska National Guard.

Section 476, act Dec. 31, 1941, ch. 644, § 4, 55 Stat. 879, gave the Governor of the Territory of Alaska as the ex officio commander of the militia, like command of the Alaska National Guard while not in the Federal service.

Section 477, act Dec. 31, 1941, ch. 644, § 5, 55 Stat. 880, provided for the appointment of the Adjutant General of the Territory of Alaska.

Section 478, act Dec. 31, 1941, ch. 644, § 6, 55 Stat. 880, provided for the ratification and confirmation of existing military forces.

Section 479, act Dec. 31, 1941, ch. 644, § 7, 55 Stat. 880, gave the Governor the power to organize a Territorial Guard during the time that the Alaska National Guard might be under Federal service.

Section 480, acts July 18, 1950, ch. 466, title I, § 101, 64 Stat. 344; Aug. 11, 1955, ch. 783, title I, § 107(3), (7), (9), 69 Stat. 637, 638, authorized the government of Alaska to create a public corporate authority to undertake slum clearance and urban redevelopment projects.

Section 480a, acts July 18, 1950, ch. 466, title I, § 102, 64 Stat. 344; Aug. 11, 1955, ch. 783, title I, § 107(3), 69 Stat. 637, authorized the government of Alaska to assist slum clearance and urban redevelopment through cash donations, loans, conveyances of real and personal property, facilities and services.

Section 480b, act July 18, 1950, ch. 466, title I, § 103, 64 Stat. 345, ratified all legislation enacted prior thereto by the Legislature of the Territory of Alaska.

Section 481, acts July 21, 1941, ch. 311, § 1, 55 Stat. 601; July 18, 1950, ch. 466, title II, § 201(a), 64 Stat. 345, authorized the Legislature to create public corporate authorities to undertake slum clearance and projects to provide dwelling accommodations for families of low income and for persons (and their families) engaged in national-defense activities.

Section 482, acts July 21, 1941, ch. 311, § 2, 55 Stat. 602; July 18, 1950, ch. 466, title II, § 201(a), 64 Stat. 345, authorized the Legislature of the Territory of Alaska to provide for the appointment of Commissioners.

Section 483, acts July 21, 1941, ch. 311, § 3, 55 Stat. 602; July 18, 1950, ch. 466, title II, § 201(a), 64 Stat. 345, authorized the Legislature of the Territory of Alaska to issue bonds or other obligations with such security and in such manner as the legislature may provide.

Section 483a, act July 21, 1941, ch. 311, § 4, as added July 18, 1950, ch. 466, title II, § 201(a), 64 Stat. 345, ratified all prior acts enacted by the Legislature of the Territory of Alaska.

Section 483b, act July 21, 1941, ch. 311, § 5, as added July 18, 1950, ch. 466, title II, § 201(a), 64 Stat. 345, granted additional powers to the Legislature of the Territory of Alaska.

Section 484, acts Apr. 23, 1949, ch. 89, § 3, 63 Stat. 58; July 14, 1952, ch. 723, § 7, 66 Stat. 603, authorized the Legislature of the Territory of Alaska to establish the Alaska Housing Authority.

Section 484a, act Apr. 23, 1949, ch. 89, § 4, 63 Stat. 59, authorized the Housing and Home Finance Agency to provide technical advice and information and to cooperate with and assist the Alaska Housing Authority.

Section 484b, act Apr. 23, 1949, ch. 89, § 5, 63 Stat. 69, provided for the retention of permanent housing by the Housing and Home Finance Administrator.

Section 484c, act Apr. 23, 1949, ch. 89, § 6, 63 Stat. 60, authorized the transfer of real or personal property of other Government departments or agencies to Alaska Housing Authority.

Section 484d, act June 27, 1934, ch. 847, § 214, as added Apr. 23, 1949, ch. 89, § 2(a), 63 Stat. 57, and amended July 14, 1952, ch. 723, § 10(a)(3), 66 Stat. 603; June 30, 1953, ch. 170, § 25(c), 67 Stat. 128, 129; June 25, 1959, Pub. L. 86-70, § 10(c), 73 Stat. 142, authorized the Federal Housing Commissioner to prescribe, with respect to dollar amount, a higher maximum for the principal obligation of mortgages.

§ 484e. Repealed. Aug. 2, 1954, ch. 649, title II, § 205, 68 Stat. 622

Section, act Apr. 23, 1949, ch. 89, § 2(b), 63 Stat. 58, related to real-estate loans and purchase of insured mortgages, with respect to properties in Alaska, by the Federal National Mortgage Association.

§§ 485 to 486j. Omitted

CODIFICATION

Sections 485 to 486 were omitted from the Code as obsolete.

Section 485, acts May 28, 1948, ch. 354, § 1, 62 Stat. 227; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1402(d)(1), 72 Stat. 807, authorized the Administrator of Civil Aeronautics to construct, protect, operate, improve, and maintain within the Territory of Alaska a public airport at or near Anchorage and a public airport at or near Fairbanks.

Section 485a, act May 28, 1948, ch. 354, § 2, 62 Stat. 278, authorized the Administrator of Civil Aeronautics to acquire by purchase, lease, condemnation or otherwise such lands and appurtenances necessary for the construction, protection, maintenance, improvement, and operation of said airports.

Section 485b, act May 28, 1948, ch. 354, § 3, 62 Stat. 278, authorized the Administrator to acquire rights-of-way or easements for roads, trails, pipe lines, power lines and other similar facilities necessary for the operation of airports, and to construct any public highways and bridge to whatever airport locations may be selected.

Section 485c, acts May 28, 1948, ch. 354, § 4, 62 Stat. 278; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1402(d)(2), 72 Stat. 807, set out the powers and duties of the Administrator.

Section 485d, acts May 28, 1948, ch. 354, § 5, 62 Stat. 278; Oct. 10, 1951, ch. 457, 65 Stat. 371; July 3, 1958, Pub. L. 85-503, 72 Stat. 321; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1402(d)(3), 72 Stat. 807, empowered the Administrator of the Federal Aviation Agency to lease space or property within or upon airports.

Section 485e, act May 28, 1948, ch. 354, § 6, 62 Stat. 278, authorized the Administrator to contract with any person for the performance of services at or upon the airports.

Section 485f, acts May 28, 1948, ch. 354, § 7, 62 Stat. 278; Oct. 31, 1951, ch. 654, § 2(25), 65 Stat. 707, authorized the transfer of lands, building, property or equipment by other agencies of Federal Government to the Administrator.

Section 485g, act May 28, 1948, ch. 354, § 8, 62 Stat. 278, provided for penalties for violations of any rule, regulation or order issued by the Administrator.

Section 485h, act May 28, 1948, ch. 354, § 9, 62 Stat. 279, prescribed the definitions used in sections 485 to 485h of this title, should be the definitions assigned by the Civil Aeronautics Act of 1938, as amended.

Section 486, act Aug. 24, 1949, ch. 504, § 2, 63 Stat. 627, declared the Congressional purpose of sections 486 to 486j of this title was to foster the settlement and increase the permanent residents of Alaska.

Section 486a, act Aug. 24, 1949, ch. 504, § 3, 63 Stat. 627, authorized the Secretary of the Interior to accept applications for public works.

Section 486b, act Aug. 24, 1949, ch. 504, § 4, 63 Stat. 627, authorized the Secretary to include works from other Federal agencies in the public works program.

Section 486c, acts Aug. 24, 1949, ch. 504, § 5, 63 Stat. 628; Aug. 30, 1957, Pub. L. 85-233, § 1, 71 Stat. 515; Dec. 23, 1963, Pub. L. 88-229, 77 Stat. 471, empowered the Secretary to enter into agreement with public work applicant.

Section 486d, act Aug. 24, 1949, ch. 504, § 6, 63 Stat. 628, set out the authority and powers of applicants for public work.

Section 486e, act Aug. 24, 1949, ch. 504, § 7, 63 Stat. 629, provided for cooperation between other Federal agencies and the Secretary, and the transfer of jurisdiction from other Federal agencies to the Secretary.

Section 486f, act Aug. 24, 1949, ch. 504, § 8, 63 Stat. 629, authorized the Secretary to provide public works through the award of contracts.

Section 486g, act Aug. 24, 1949, ch. 504, § 9, 63 Stat. 629, directed that all moneys received by the Secretary should be covered into the Treasury as miscellaneous receipts.

Section 486h, act Aug. 24, 1949, ch. 504, § 10, 63 Stat. 629, authorized the Secretary to utilize and act through other Federal agencies.

Section 486i, act Aug. 24, 1949, ch. 504, § 11, 63 Stat. 624, provided for appropriations to carry out the purposes of sections 486 to 486j.

Section 486j, acts Aug. 24, 1949, ch. 504, § 12, 63 Stat. 629; July 15, 1954, ch. 510, 68 Stat. 483, directed that the authority of the Secretary under sections 486 to 486j of this title shall terminate on June 30, 1959.

§§ 487 to 487b. Transferred

Codification

Section 487, act Aug. 9, 1955, ch. 682, § 1, 69 Stat. 618, which authorized the Secretary to make investigations of projects for the conservation, development, and utilization of the water resources of Alaska, was transferred to section 1962d-12 of Title 42, The Public Health and Welfare.

Section 487a, act Aug. 9, 1955, ch. 682, § 2, 69 Stat. 618, which provided for the solicitation of views and recommendations by the Governor of Alaska or his representative, to the Secretary and for the transmittal of the Secretary's report to Congress, was transferred to section 1962d-13 of Title 42.

Section 487b, act Aug. 9, 1955, ch. 682, § 3, 69 Stat. 618, which authorized appropriation up to $250,000 in any one year, was transferred to section 1962d-14 of title 42.

§§ 488 to 488f. Omitted

Codification

Sections 488 to 488f were omitted from the Code as obsolete.

Section 488, act May 10, 1956, ch. 248, § 1, 70 Stat. 149, authorized the Territory of Alaska to borrow for public improvements and to issue bonds of the Territory for such borrowing.

Section 488a, act May 10, 1956, ch. 248, § 2, 70 Stat. 149, placed limitations on the Territory in contracting debts.

Section 488b, act May 10, 1956, ch. 248, § 3, 70 Stat. 150, made provisions for the type of land to be issued, the scheduling of maturity of the bonds, payment of the bonds, redemption of the bond and refunding.

Section 488c, act May 10, 1956, ch. 248, § 4, 70 Stat. 150, authorized the Territory to borrow on the credit of the Territory and to issue certificates of indebtedness.

Section 488d, act May 10, 1956, ch. 248, § 5, 70 Stat. 150, provided for the issuance of bonds and certificates as negotiable instruments.

Section 488e, act May 10, 1956, ch. 248, § 6, 70 Stat. 150, authorized the payment of interest on the principal of bonds and certificates of indebtedness as they fall due.

Section 488f, act May 10, 1956, ch. 248, § 7, 70 Stat. 150, authorized guarantee of payment on municipality and school and public utility district bonds.

CHAPTER 3—HAWAII

Admission as State

Hawaii was admitted into the Union on August 21, 1959, upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out below.

Hawaii Statehood

Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, as amended, provided:

"[Sec. 1. Declaration: acceptance, ratification, and confirmation of Constitution.] That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 7(c) of this Act, the State of Hawaii is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Hawaii entitled 'An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor', approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and adopted by a vote of the people of Hawaii in the election held on November 7, 1950, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

"Sec. 2. [Territory.] The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act [March 18, 1959], except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

"Sec. 3. [Constitution.] The constitution of the State of Hawaii shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

"Sec. 4. [Compact with United States.] As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner: *Provided*, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian homeloan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the

constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the 'available lands', as defined by said Act, shall be used only in carrying out the provisions of said Act.

"Sec. 5. [Title to property; land grants; reservation of lands; public school support; submerged lands.] (a) Except as provided in subsection (c) of this section, the State of Hawaii and its political subdivisions, as the case may be, shall succeed to the title of the Territory of Hawaii and its subdivisions in those lands and other properties in which the Territory and its subdivisions now hold title.

"(b) Except as provided in subsection (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property, and to all lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended, within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

"(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.

"(d) Any public lands or other public property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, of permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States.

"(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

"(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

"(g) As used in this Act, the term 'lands and other properties' includes public lands and other public property, and the term 'public lands and other public property' means, and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resoltuion of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or properties so ceded.

"(h) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of Hawaii or its political subdivisions pursuant to subsection (a), (b), or (e) of this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of Hawaii into the Union.

"(i) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) and the Outer Continental Shelf Lands Act of 1953 (Public Law 212, Eighty-third Congress, first session, 67 Stat. 462) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder. (As amended Pub. L. 86-624, § 41, July 12, 1960, 74 Stat. 422.)

"Sec. 6. [Certification by President; proclamation for elections.] As soon as possible after the enactment of this Act, it shall be the duty of the President of the United States to certify such fact to the Governor of the Territory of Hawaii. Thereupon the Governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue his proclamation for the elections, as hereinafter provided, for officers of all State elective offices provided for by the constitution of the proposed State of Hawaii, and for two Senators and one Representative in Congress. In the first election of Senators from said State the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No identification or designation of either of the two senatorial offices, however, shall refer to or be taken to refer to the term of that office, nor shall any such identification or designation in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

"Sec. 7. [Election of officers; date; propositions; certification of voting results; proclamation by President.] (a) The proclamation of the Governor of Hawaii required by section 6 shall provide for the holding of a primary election and a general election and at such elections the officers required to be elected as provided in section 6 shall be chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Hawaii for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Hawaii may prescribe. The Governor of Hawaii shall certify the results of said elections, as so ascertained, to the President of the United States.

"(b) At an election designated by proclamation of the Governor of Hawaii, which may be either the primary or the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, the following propositions:

" '(1) Shall Hawaii immediately be admitted into the Union as a State?

"'(2) The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved ————————, (Date of approval of this Act) and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"'(3) All provisions of the Act of Congress approved ———————— (Date of approval of this Act) reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people.'

"In the event the foregoing propositions are adopted at said election by a majority of the legal votes cast on said State of Hawaii, ratified by the people at the election held submission, the proposed constitution of the proposed on November 7, 1950, shall be deemed amended as follows: Section 1 of article XIII of said proposed constitution shall be deemed amended so as to contain the language of section 2 of this Act in lieu of any other language; article XI shall be deemed to include the provisions of section 4 of this Act; and section 8 of article XIV shall be deemed amended so as to contain the language of the third proposition above stated in lieu of any other language, and section 10 of article XVI shall be deemed amended by inserting the words 'at which officers for all state elective offices provided for by this constitution and two Senators and one Representative in Congress shall be nominated and elected' in lieu of the words 'at which officers for all state elective offices provided for by this constitution shall be nominated and elected; but the officers so to be elected shall in any event include two Senators and two Representatives to the Congress, and unless and until otherwise required by law, said Representatives shall be elected at large.'

"In the event the foregoing propositions are not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall cease to be effective.

"The Governor of Hawaii is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Hawaii, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

"(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Hawaii, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 6 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Hawaii shall be deemed admitted into the Union as provided in section 1 of this Act.

"Until the said State is so admitted into the Union, the persons holding legislative, executive, and judicial office in, under, or by authority of the government of said Territory, and the Delegate in Congress thereof, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Hawaii into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in, under, or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

"Sec. 8. [House of Representatives membership.] The State of Hawaii upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided*, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13), nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

"Sec. 9. [Judiciary provisions; amendment.] Effective upon the admission of the State of Hawaii into the Union—

"(a) the United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thenceforth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: *Provided, however*, That the terms of office of the district judges for the district of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

"(b) the last paragraph of section 133 of title 28, United States Code, is repealed; and

"(c) subsection (a) of section 134 of title 28, United States Code, is amended by striking out the words 'Hawaii and'. The second sentence of the same section is amended by striking out the words 'Hawaii and', 'six and', and 'respectively'.

"Sec. 10. [Judicial provisions; amendment.] Effective upon the admission of the State of Hawaii into the Union the second paragraph of section 451 of title 28, United States Code, is amended by striking out the words 'including the district courts of the United States for the districts of Hawaii and Puerto Rico,' and inserting in lieu thereof the words 'including the United States District for the District of Puerto Rico,'.

"Sec. 11. [Judicial provisions; amendment.] Effective upon the admission of the State of Hawaii into the Union—

"(a) the last paragraph of section 501 of title 28, United States Code, is repealed;

"(b) the first sentence of subsection (a) of section 504 of title 28, United States Code, is amended by striking out at the end thereof the words ', except in the district of Hawaii, where the term shall be six years';

"(c) the first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words ', except in the district of Hawaii where the term shall be six years'; and

"(d) subsection (d) of section 541 of title 28, United States Code, is repealed.

"Sec. 12. [Continuation of suits.] No writ, action, indictment, cause, or proceeding pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii shall abate by reason of the admission of said State into the Union, but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no writ, action, indictment, cause or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be

the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such writ, action, indictment, cause or proceeding shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

"All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no writ, action, indictment or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.

"Sec. 13. [Appeals.] Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

"Sec. 14. [Judicial and criminal provisions; amendment.] Effective upon the admission of the State of Hawaii into the Union—

"(a) title 28, United States Code, section 1252, is amended by striking out 'Hawaii and' from the clause relating to courts of record;

"(b) title 28, United States Code, section 1293, is amended by striking out the words 'First and Ninth Circuits' and by inserting in lieu thereof 'First Circuit', and by striking out the words, 'supreme courts of Puerto Rico and Hawaii, respectively' and inserting in lieu thereof 'supreme court of Puerto Rico';

"(c) title 28, United States Code, section 1294, as amended, is further amended by striking out paragraph (4) thereof and by renumbering paragraphs (5) and (6) accordingly;

"(d) the first paragraph of section 373 of title 28, United States Code, as amended, is further amended by striking out the words 'United States District Courts for the districts of Hawaii or Puerto Rico,' and inserting in lieu thereof the words 'United States District Court for the District of Puerto Rico,'; and by striking out the words 'and any justice of the Supreme Court of the Territory of Hawaii': *Provided*, That the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: *And provided further*, That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii or as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under section 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in office as a district judge for the District of Hawaii on the date of enactment of this Act;

"(e) section 92 of the act of April 30, 1900 (ch. 339, 31 Stat. 159), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), as amended, are repealed;

"(f) section 86 of the Act approved April 30, 1900 (ch. 339, 31 Stat. 158), as amended, is repealed;

"(g) section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words 'Supreme Courts of Hawaii and Puerto Rico' and inserting in lieu thereof the words 'Supreme Court of Puerto Rico';

"(h) section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words 'Supreme Courts of Hawaii and Puerto Rico' and inserting in lieu thereof the words 'Supreme Court of Puerto Rico';

"(i) section 91 of title 28, United States Code, as heretofore amended, is further amended by inserting after 'Kure Island' and before 'Baker Island' the words 'Palmyra Island,'; and

"(j) the Act of June 15, 1950, (64 Stat. 217; 48 U.S.C., sec. 644a), is amended by inserting after 'Kure Island' and before 'Baker Island' the words 'Palmyra Island.'.

"Sec. 15. [Laws in effect.] All Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union shall continue in force in the State of Hawaii, except as modified or changed by this Act or by the constitution of the State, and shall be subject to repeal or amendment by the Legislature of the State of Hawaii, except as provided in section 4 of this Act with respect to the Hawaiian Homes Commission Act, 1920, as amended; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States: *Provided*, That, except as herein otherwise provided, a Territorial law enacted by the Congress shall be terminated two years after the date of admission of the State of Hawaii into the Union or upon the effective date of any law enacted by the State of Hawaii which amends or repeals it, whichever may occur first. As used in this section, the term 'Territorial laws' includes (in addition to laws enacted by the Territorial Legislature of Hawaii) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Hawaii prior to its admission into the Union, and the term 'laws of the United States' includes all laws or parts thereof enacted by the Congress that (1) apply to or within Hawaii at the time of its admission into the Union, (2) are not 'Territorial laws' as defined in this paragraph, and (3) are not in conflict with any other provision of this Act.

"Sec. 16. [Hawaii National Park; military and naval lands; civil and criminal jurisdiction.] (a) Notwithstanding the admission of the State of Hawaii into the Union, the United States shall continue to have sole and exclusive jurisdiction over the area which may then or thereafter be included in Hawaii National Park, saving, however, to the State of Hawaii the same rights as are reserved to the Territory of Hawaii by section 1 of the Act of April 19, 1930 (46 Stat. 227), and saving, further, to persons then or thereafter residing within such area the right to vote at all elec-

tions held within the political subdivisions where they respectively reside. Upon the admission of said State all references to the Territory of Hawaii in said Act or in other laws relating to Hawaii National Park shall be deemed to refer to the State of Hawaii. Nothing contained in this Act shall be construed to affect the ownership and control by the United States of any lands or other property within Hawaii National Park which may now belong to, or which may hereafter be acquired by, the United States.

"(b) Notwithstanding the admission of the State of Hawaii into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are controlled or owned by the United States and held for Defense or Coast Guard purposes, whether such lands were acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided*, (i) That the State of Hawaii shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Hawaii, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for Defense or Coast Guard purposes: *Provided, however,* That the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been heretofore or hereafter determined to be critical areas as delineated by the President of the United States and/or the Secretary of Defense.

"Sec. 17. [Federal Reserve Act; amendment.] The next to last sentence of the first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) as amended by section 19 of the Act of July 7, 1958, (72 Stat. 339, 350) is amended by inserting after the word 'Alaska' the words 'or Hawaii.'

"Sec. 18. [Maritime matters.] (a) Nothing contained in this Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Hawaii and other ports in the United States, or possessions, or as conferring on the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

"(b) Effective on the admission of the State of Hawaii into the Union—

"(1) the first sentence of section 506 of the Merchant Marine Act, 1936 as amended (46 U.S.C., sec. 1156), is amended by inserting before the words 'an island possession or island territory', the words 'the State of Hawaii, or';

"(2) section 605(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1175), is amended by inserting before the words 'an island possession or island territory', the words 'the State of Hawaii, or'; and

"(3) the second paragraph of section 714 of the Merchant Marine Act, 1936, as amended (46 U.S.C., sec. 1204), is amended by inserting before the words 'an island possession or island territory' the words 'the State of Hawaii, or'. (As amended Pub. L. 86-624, § 46, July 12, 1960, 74 Stat. 423.)

"Sec. 19. [United States Nationality.] Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, or restore nationality heretofore lost under any law of the United States or under any treaty to which the United States is or was a party.

"Sec. 20. [Immigration and Nationality Act; amendments.] (a) Section 101(a)(36) of the Immigration and Nationality Act (66 Stat. 170, 8 U.S.C., sec. 1101(a)(36)) is amended by deleting the word 'Hawaii,'.

"(b) Section 212(d)(7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C. 1182(d)(7) is amended by deleting from the first sentence thereof the word 'Hawaii,' and by deleting the proviso to said first sentence.

"(c) The first sentence of section 310(a) of the Immigration and Nationality Act, as amended (66 Stat. 239, 8 U.S.C. 1421(a), 72 Stat. 351) is further amended by deleting the words 'for the Territory of Hawaii, and'.

"(d) Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 305 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. 1405).

"Sec. 21. [Aircraft purchase loans.] Effective upon the admission of the State of Hawaii into the Union, section 3, subsection (b), of the Act of September 7, 1957 (71 Stat. 629), is amended by substituting the words 'State of Hawaii' for the words 'Territory of Hawaii'.

"Sec. 22. [Severability clause.] If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof in any circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word in other circumstances shall not be affected thereby.

"Sec. 23. [Repeal of inconsistent laws.] All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed."

Hawaii Omnibus Act

Pub. L. 86-624, July 12, 1960, 74 Stat. 411, as amended, provided:

"[Sec. 1. Short Title.] That this Act may be cited as the 'Hawaii Omnibus Act'.

"Sec. 2. [Printing outside United States.] Subsection (a) of section 2 of the Act of August 1, 1956 (70 Stat. 890), is amended by striking out the words 'the continental United States' and inserting in lieu thereof the words 'the States of the United States and the District of Columbia'.

"Sec. 3. [Soil Bank Act; amendment.] Section 113 of the Soil Bank Act, as amended, is amended to read as follows: 'This subtitle B shall apply to the several States and, if the Secretary determines it to be in the national interest, to the Commonwealth of Puerto Rico and the Virgin Islands; and as used in this subtitle B, the term "State" includes Puerto Rico and the Virgin Islands.'

"Sec. 4. [Armed Forces; amendment.] (a) Title 10, United States Code, section 101(2), is amended by striking out the words 'Hawaii or'.

"(b) Title 10, United States Code, sections 802(11) and 802(12), are each amended by striking out the words 'the main group of the Hawaiian Islands,'.

"(c) Title 10, United States Code, section 2662(c), is amended by striking out the word ', Hawaii,'.

"(d) Title 10, United States Code is amended by striking out clause (6) of section 4744; by renumbering clauses (7) through (9) as clauses (6) through (8); by amending redesignated clause (8) to read as follows: 'The families of persons described in clauses (1), (2),

(4), (5), and (7).'; and by striking out the words 'clause (8) or (9)' in the last sentence of such section and inserting in lieu thereof the words 'clause (7) or (8)'.

"Sec. 5. [Home Loan Bank Board.] (a) Paragraph (3) of section 2 of the Federal Home Loan Bank Act, as amended, is further amended by striking out the words 'the Virgin Islands of the United States, and the Territory of Hawaii' and by inserting in lieu thereof the words 'and the Virgin Islands of the United States'.

"(b) Section 7 of the Home Owners' Loan Act of 1933, as amended, is further amended by striking out the words 'Territory of Hawaii' and inserting in lieu thereof the words 'State of Hawaii'.

"Sec. 6. [National Housing Act; amendment.] The National Housing Act is amended by striking out the word 'Hawaii,' in sections 9, 210(d), 207(a)(7), 601(d), 713(q), and 801(g).

"Sec. 7. [Securities and Exchange Commission.] (a) Paragraph (6) of section 2 of the Securities Act of 1933, as amended, is further amended by striking out the word 'Hawaii.'.

"(b) Paragraph (16) of section 3(a) of the Securities Exchange Act of 1934, as amended, is further amended by striking out the word 'Hawaii,'.

"(c) Paragraph (37) of section 2(a) and paragraph (1) of section 6(a) of the Investment Company Act of 1940, as amended, are each amended by striking out the word 'Hawaii,'.

"(d) Paragraph (18) of section 202(a) of the Investment Advisers Act of 1940, as amended, is further amended by striking out the word 'Hawaii,'.

"Sec. 8. [Soil Conservation and Domestic Allotment Act; amendment.] (a) Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, is further amended by striking out the words 'in the continental United States, except in Alaska,' and inserting in lieu thereof the words 'in the States of the Union, except Alaska,'.

"(b) Section 17(a) of the Soil Conservation and Domestic Allotment Act, as amended, is further amended to read as follows: 'This Act shall apply to the States, the Commonwealth of Puerto Rico, and the Virgin Islands, and, as used in this Act, the term "State" includes Puerto Rico and the Virgin Islands.'

"Sec. 9. [Water Storage and Utilization.] Section 1 of the Act of August 28, 1937 (50 Stat. 869), as amended, is further amended by striking out the words 'the United States, including the Territories of Alaska and Hawaii, and Puerto Rico and the Virgin Islands' and inserting in lieu thereof the words 'the States of the United States and in Puerto Rico and the Virgin Islands'.

"Sec. 10. [Wildlife Restoration.] Section 2 of the Act of September 2, 1937 (50 Stat. 917), as amended, is further amended by striking out the words "; and the term "State" shall be construed to mean and include the several States and the Territory of Hawaii'.

"Sec. 11. [Fishery Resources.] The Act of Aug. 4, 1947 (61 Stat. 726), is amended—

"(a) by striking out the words 'the Territories and island possessions of the United States' and inserting in lieu thereof the words 'the United States and its island possessions' in section 1 and 2;

"(b) by striking out the words 'Territory of Hawaii and' in section 1;

"(c) by striking out the word 'Territorial' and inserting in lieu thereof the word 'State' in section 3; and

"(d) by striking out the words 'Hawaiian Islands' and 'Territory of Hawaii' and inserting in lieu thereof, in both cases, the words 'State of Hawaii' in section 4.

"Sec. 12. [Fish Restoration.] Section 2(d) of the Act of August 9, 1950 (64 Stat. 431), as amended, is further amended by striking out the words "; and the term "State" shall be construed to mean and include the several States and the Territory of Hawaii'.

"Sec. 13. [Criminal Code; amendments.] (a) Title 18, United States Code, section 1401, is amended by striking out the words 'the Territory of Alaska, the Territory of Hawaii,'.

"(b) Title 18, United States Code, section 5024, is amended by striking out the words preceding the first comma and inserting in lieu thereof the words 'This chapter shall apply in the States of the United States'.

"(c) Section 6 of Public Law 85-752, as amended, is further amended by striking out the words preceding the first comma and inserting in lieu thereof the words 'Sections 3 and 4 of this Act shall apply in the States of the United States'.

"Sec. 14. [Education.] (a)(1) Subsection (a) of section 103 of the National Defense Education Act of 1958, relating to definition of State, is amended by striking out 'Hawaii,' each time it appears therein.

"(2)(A) Paragraph (2), and subparagraph (C) of paragraph (3), of subsection (a) of section 302 of such Act, relating to allotments for science, mathematics, and foreign language instruction equipment, are each amended by striking out 'continental United States' each time it appears therein and inserting in lieu thereof 'United States'.

"(B) Effective in the case of promulgations of allotment ratios made, under section 302 of such Act, after enactment of this Act and before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska, subparagraph B of such paragraph (3) is amended to read:

" '(B) The term "United States" means the continental United States (excluding Alaska and Hawaii)'.

"(C) Effective in the case of promulgations of allotment ratios made under such section 302 after such data for a full year are available from the Department of Commerce, subparagraph (B) of such paragraph (3) is amended to read:

" '(B) The term "United States" means the fifty States and the District of Columbia.'

"Promulgations of allotment ratios made under such section 302 after such data for a full year are available from the Department of Commerce, but before such data are available therefrom for a full three-year period, shall be based on such data for such one full year, or when such data are available for a two-year period, for such two years.

"(3) Section 1008 of such Act, relating to allotments to territories, is amended by striking out 'Hawaii,'.

"(b)(1) Section 4 of the Act of March 10, 1924 (43 Stat. 18), extending the benefits of the Smith-Hughes vocational education law to Hawaii, is repealed.

"(2) The last sentence of section 2 of the Act of February 23, 1917 (39 Stat. 930), relating to allotments for salaries of teachers of agricultural subjects, is amended by striking out '$27,000' and inserting in lieu thereof '$28,500'. The last sentence of section 4 of such Act, as amended, relating to allotments for teacher training, is amended by striking out '$98,500' and inserting in lieu thereof '$105,200'.

"(3) Paragraph (1) of section 2 of the Vocational Education Act of 1946, relating to definition of States and Territories, is amended by striking out 'the Territory of Hawaii,'.

"(4) Subsection (e) of section 210 and subsection (a) of section 307 of such Act, relating to definition of State are each amended by striking out 'Hawaii,'.

"(c) Paragraph (13) of section 15 of the Act of September 23, 1950 (64 Stat. 967), as amended, relating to definition of State, is amended by striking out 'Hawaii,'.

"(d)(1) The material in the parentheses in the first sentence of subsection (d) of section 3 of the Act of September 30, 1950, as amended, relating to determination of local contribution rate, is amended to read: '(other than a local educational agency in Puerto Rico, Wake Island, Guam, or the Virgin Islands, or in a State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency, or in a State in which there is only one local educational agency)'.

"(2) The fourth sentence of such subsection is amended by striking out 'in the continental United States (including Alaska)' and inserting in lieu thereof '(other than Puerto Rico, Wake Island, Guam, or the Virgin Islands)' and by striking out 'continental United States' in clause (ii) of such sentence and inserting in lieu thereof 'United States (which for pur-

poses of this sentence and the next sentence means the fifty States and the District of Columbia)'. The fifth sentence of such subsection is amended by striking out 'continental' before 'United States' each time it appears therein and by striking out '(including Alaska)'.

"(3) The last sentence of such subsection is amended by striking out 'Hawaii,' and by inserting after 'for which a State agency is the local educational agency,' the following: 'or in any State in which there is only one local educational agency,'.

"(4) Paragraph (8) of section 9 of such Act, relating to definition of State, is amended by striking out 'Hawaii,'.

"(c) Notwithstanding the last sentence of subsection (b) of section 5 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4; Public Law 86-3), there is hereby authorized to be appropriated to the State of Hawaii the sum of $6,000,000. Amounts appropriated under this subsection shall be held and considered to be granted to such State subject to those provisions of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts', approved July 2, 1862 (7 U.S.C. 301-308), applicable to the proceeds from the sale of land or land scrip.

"Sec. 15. [Importation of Milk and Cream.] Subsection (b) of section 5 of the Act of February 15, 1927 (44 Stat. 1103), as amended, is amended to read:

"'(b) The term "United States" means the fifty States and the District of Columbia.'

"Sec. 16. [Opium Poppy Control.] Section 12 of the Opium Poppy Control Act of 1942, as amended, is further amended by deleting therefrom the words 'the Territory of Hawaii,'.

"Sec. 17. [Highways.] (a) The definition of the term 'State' in title 23, United States Code, section 101(a), is amended to read as follows:

"'The term "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.'

"(b) Sections 103(g) and 105(e) of title 23, United States Code, are repealed.

"(c) Section 103(d) of title 23, United States Code, is amended to read as follows:

"'(d) The Interstate System shall be designated within the United States, including the District of Columbia, and it shall not exceed forty-one thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense and, to the greatest extent possible, to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system, to the greatest extent possible, shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to the approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the Interstate System as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.'

"(d) Notwithstanding any other provision of law, for the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with section 103(d) of title 23, United States Code, as amended by section 1 of this Act, the sum of $12,375,000 shall be apportioned to the State of Hawaii out of the sum authorized to be appropriated for the Interstate System for the fiscal year ending June 30, 1962, under the provisions of section 108(b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), as amended by section 7(a) of the Federal-Aid Highway Act of 1958 (72 Stat. 89), such apportionment to be made at the same time such funds are apportioned to other States. The total sum to be apportioned under section 104(b)(5) of title 23, United States Code, for the fiscal year ending June 30, 1962, among the States other than Hawaii, shall be reduced by said sum apportioned to the State of Hawaii under this section. The Secretary of Commerce shall apportion funds to the State of Hawaii for the Interstate System for the fiscal year 1963 and subsequent fiscal years pursuant to the provisions of said section 104(b)(5) of title 23, United States Code, and, in preparing the estimates required by that section, he shall take into account the apportionment made to the State of Hawaii under this section.

"(e) Section 127 of title 23, United States Code, is amended by adding at the end thereof the following sentence: 'With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956.'

"Sec. 18. [Internal Revenue.] (a) Section 4262(c)(1) of the Internal Revenue Code of 1954 (relating to the definition of 'continental United States' for purposes of the tax on transportation of persons) is amended to read as follows:

"'(1) Continental United States.—The term "continental United States" means the District of Columbia and the States other than Alaska and Hawaii.'

"(b) Section 2202 of the Internal Revenue Code of 1954 (relating to missionaries in foreign service) is amended by striking out 'the State, the District of Columbia, or Hawaii' and inserting in lieu thereof 'the State or the District of Columbia'.

"(c) Section 3121(e)(1) of the Internal Revenue Code of 1954 (relating to a special definition of 'State') is amended by striking out 'Hawaii,'.

"(d) Sections 3306(j) and 4233(b) of the Internal Revenue Code of 1954 (each relating to a special definition of 'State') are amended by striking out 'Hawaii, and'.

"(e) Section 4221(d)(4) of the Internal Revenue Code of 1954 (relating to a special definition of 'State or local government') is amended to read as follows:

"'(4) State or local government.—The term "State or local government" means any State, any political subdivision thereof, or the District of Columbia.'

"(f) Section 4502(5) of the Internal Revenue Code of 1954 (relating to definition of 'United States') is amended by striking out 'the Territory of Hawaii,'.

"(g) Section 4774 of the Internal Revenue Code of 1954 (relating to territorial extent of law) is amended by striking out 'the Territory of Hawaii,'.

"(h) Section 7653(d) of the Internal Revenue Code of 1954 (relating to shipments from the United States) is amended by striking out ', its possessions or the Territory of Hawaii' and inserting in lieu thereof 'or its possessions'.

"(i) Section 7701(a)(9) of the Internal Revenue Code of 1954 (relating to definition of 'United States') is amended by striking out ', the Territory of Hawaii,'.

"(j) Section 7701(a)(10) of the Internal Revenue Code of 1954 (relating to definition of 'State') is amended by striking out 'the Territory of Hawaii and'.

"(k) The amendments contained in subsections (a) through (j) of this section shall be effective as of August 21, 1959.

"Sec. 19. [Courts; Kure Island.] Title 28, United States Code, section 91, and the Act of June 15, 1950 (64 Stat. 217), as amended, are each amended by striking out the words 'Kure Island,'.

"Sec. 20. [Vocational Rehabilitation Act; amendment.] (a) Subsection (g) of section 11 of the Vocational Rehabilitation Act, relating to definition of 'State', is amended by striking out 'Hawaii,'.

"(b)(1) Subsections (h) and (i) of such section, relating to definition of allotment percentages and Federal shares for purposes of allotment and matching for vocational rehabilitation services grants, are each amended by striking out 'continental United States' and inserting in lieu thereof 'United States' and by striking out '(including Alaska)'.

"(2) Paragraph (1) of such subsection (h) is further amended by striking out 'the allotment percentage for Hawaii shall be 50 per centum, and' in clause (B).

"(3) Subsection (h) of such section is further amended by adding at the end thereof the following new paragraphs:

" '(3) Promulgations of allotment percentages and computations of Federal shares made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe for Alaska an allotment percentage of 75 per centum and a Federal share of 60 per centum and, for purposes of such promulgations and computations, Alaska shall not be included as part of the "United States". Promulgations and computations made thereafter but before per capita income data for Alaska for a full three-year period are available from the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

" '(4) The term "United States" means (but only for purposes of this subsection and subsection (i)) the fifty States and the District of Columbia.'

"(4) Subsection (i) of such section is further amended by striking out 'the Federal share for Hawaii shall be 60 per centum, and' in clause (B).

"Sec. 21. [Labor.] (a) Section 3(b) of the Act of June 6, 1933 (48 Stat. 114), as amended, is further amended by striking out the words 'Hawaii, Alaska,'.

"(b) Section 13(f) of the Fair Labor Standards Act, as amended, is further amended by striking out the words 'Alaska; Hawaii;'.

"(c) Section 17 of the Fair Labor Standards Act, as amended, is further amended by striking out the words 'the District Court for the Territory of Alaska,'.

"(d) Section 3(a)(9) of the Welfare and Pension Plans Disclosure Act is amended by striking out the word 'Hawaii,'.

"Sec. 22. [National Guard.] Title 32, United States Code, section 101(1), is amended by striking out the words 'Hawaii or'.

"Sec. 23. [Water Pollution Control Act; amendment.] (a)(1) Subsection (h) of section 5 of the Federal Water Pollution Control Act, relating to Federal share for purposes of program operation grants, is amended by striking out 'continental United States' and inserting in lieu thereof 'United States', by striking out '(including Alaska)', and by striking out, in clause (B) of paragraph (1), 'for Hawaii shall be 50 per centum, and'.

"(2) Such subsection is further amended by adding at the end thereof the following new paragraphs:

" '(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

" '(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States." Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or when such data are available for a two-year period, for such two years.'

"(b) Subsection (d) of section 11 of such Act, relating to definition of 'State', is amended by striking out 'Hawaii,'.

"Sec. 24. [Coast and Geodetic Survey.] The first sentence of section 1 of the Act of August 3, 1956 (70 Stat. 988), is amended by striking out the words 'the several States' and inserting in lieu thereof the words 'the States of the continental United States, excluding Alaska.'

"Sec. 25. [Veterans' Administration.] (a) Title 33, United States Code, section 624(a), is amended by striking out the words 'outside the continental limits of the United States, or a Territory, Commonwealth, or possession of the United States' and inserting in lieu thereof 'outside any State'.

"(b) The first sentence of title 38, United States Code, section 903(b), is amended to read as follows: 'In addition to the foregoing, when such a death occurs in the continental United States or Hawaii, the Administrator shall transport the body to the place of burial in the continental United States or Hawaii.'

"(c) Title 38, United States Code, section 2007(c), is amended by striking out the word 'Hawaii,'.

"Sec. 26. [Davis-Bacon Act; amendment.] Section 1 of the Act of March 3, 1931 (46 Stat. 1494), as amended, is further amended by striking out the words ', the Territory of Alaska, the Territory of Hawaii,' and the words ', or the Territory of Alaska, or the Territory of Hawaii.'

"Sec. 27. [Federal Property and Administrative Services Act; amendment.] The Federal Property and Administrative Services Act of 1949, as amended, is further amended by—

"(a) striking out the words 'continental United States (including Alaska), Hawaii,' in section 3(f) and inserting in lieu thereof the words 'States of the Union, the District of Columbia,';

"(b) striking out the words 'continental United States, its Territories, and possessions' in section 211(j) and inserting in lieu thereof the words 'States of the Union, the District of Columbia, Puerto Rico, and the possessions of the United States';

"(c) striking out the words 'continental limits of the United States' in section 404(c) and inserting in lieu thereof the words 'States of the Union and the District of Columbia'; and

"(d) striking out the words 'and the Territory of Hawaii' in section 702(a).

"Sec. 28. [Buy American Act; amendment.] Section 1(b) of title III of the Act of March 3, 1933 (47 Stat. 1520), as amended, is amended by striking out the word 'Hawaii,'.

"Sec. 29. [Public Health Service Act; amendment.] (a) Subsection (f) of section 2 of the Public Health Service Act, relating to definition of State, is amended by striking out 'Hawaii,'.

"(b) The first sentence of section 331 of such Act, relating to receipt and treatment of lepers, is amended by striking out ', Territory, or the District of Columbia'. The fifth sentence of such section is amended by striking out 'the Territory of Hawaii' and inserting in lieu thereof 'Hawaii'.

"(c) Subsection (c) of section 361 of such Act, relating to regulations governing apprehension and detention of persons to prevent the spread of a communicable disease, is amended by striking out ', the Territory of Hawaii,'.

"(d)(1) Clause (2) of subsection (a) of section 631 of such Act, relating to definition of allotment percentage for purposes of allotments for construction of hospitals and other medical service facilities, is amended by striking out 'the allotment percentage for Hawaii shall be 50 per centum, and'.

"(2) Such subsection is further amended by striking out 'continental United States (including Alaska)' and inserting in lieu thereof 'United States'.

"(3) Subsection (b) of such section, relating to promulgation of allotment percentages, is amended by striking out 'continental United States' and inserting in lieu thereof 'United States'. Such subsection is further amended by inserting '(1)' after '(b)' and by adding at the end thereof the following new paragraphs:

" '(2) The term "United States" means (but only for purposes of this subsection and subsection (a)) the fifty States and the District of Columbia;

" '(3) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe an allotment percentage for Alaska of 50 per centum and, for purposes of such promulgation, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year

period are available from the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years;'.

"(4) Subsection (d) of such section, relating to definition of State, is further amended by striking out 'Hawaii,'.

"Sec. 30. [Social Security Act; amendment.] (a)(1) Paragraph (8) of subsection (a) of section 1101 of the Social Security Act, relating to definition of Federal percentage for purposes of matching for public assistance grants, is amended by striking out 'continental United States (including Alaska)' and inserting in lieu thereof 'United States'.

"(2) Subparagraph (A) of such paragraph is further amended by striking out '(i)' and by striking out ', and (ii) the Federal percentage shall be 50 per centum for Hawaii'.

"(3) Such paragraph is further amended by adding after subparagraph (B) the following new subparagraphs:

" '(C) The term "United States" means (but only for purposes of subparagraphs (A) and (B) of this paragraph) the fifty States and the District of Columbia.

" '(D) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal percentage for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available from the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.'

"(b)(1) Subsections (a), (b), and (c) of section 524 of such Act, relating to the definition of allotment percentages and Federal shares for purposes of allotment and matching for child welfare services grants, are each amended by striking out 'continental United States (including Alaska)' and inserting in lieu thereof 'United States'.

"(2) Such section is further amended by adding after subsection (c) the following new subsections:

" '(d) For purposes of this section, the term "United States" means the fifty States and the District of Columbia.

" '(e) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available from the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.'

"(c)(1) The last sentence of subsection (l) of section 202 of the Social Security Act is amended by striking out 'forty-nine' and inserting in lieu thereof 'fifty'.

"(2) Subsections (h) and (l) of section 210 of such Act relating to definitions of State and United States for purposes of old-age, survivors, and disability insurance, are each amended by striking out 'Hawaii,'. Such subsection (h) is further amended by striking out the comma after 'District of Columbia'.

"(d)(1) Paragraph (1) of subsection (a) of section 1101 of such Act, relating to definition of State, is amended by striking out 'Hawaii and'.

"(2) Paragraph (2) of such subsection, as amended relating to definition of 'United States', is amended by striking out ', Hawaii,'.

"(e) Subparagraph (C) and (G) of paragraph (6) of subsection (d) of section 218 of the Social Security Act, as amended, are each further amended by striking out 'the Territory of' and 'or Territory' each time they appear therein.

"(f) Subsection (p) of such section is amended by striking out 'Territory of'.

"(g) The last sentence of subsection (a) of section 1501 of the Social Security Act is amended by striking out 'Alaska, Hawaii,'.

"Sec. 31. [Small Reclamation Projects.] The Small Reclamation Projects Act of 1956 (70 Stat. 1044), as heretofore and hereafter amended, shall apply to the State of Hawaii.

"Sec. 32. [Congressional Record.] Section 73 of the Act of January 12, 1895 (28 Stat. 617), amended, is further amended by striking out the word 'Hawaii,' [Repealed by Pub. L. 90-620, § 3, Oct. 22, 1968, 82 Stat 1310].

"Sec. 33. [Federal Register.] Section 8 of the Federal Register Act (49 Stat. 502), as amended, is further amended by striking out the words 'continental United States (including Alaska)' and inserting in lieu thereof the words 'States of the Union and the District of Columbia' [Repealed by Pub. L. 90-620, § 3, Oct. 22, 1968, 82 Stat. 1310].

"Sec. 34. [Home Port of Vessels.] Section 1 of the Act of February 16, 1925 (43 Stat. 947), as amended, is further amended by striking out the words 'Alaska, Hawaii, and'.

"Sec. 35. [Merchant Marine Act, 1936.] (a) Subsection (a) of section 505 of the Merchant Marine Act, 1936, as amended, is further amended by adding at the end thereof the following new sentence: 'For the purposes of this subsection, the term "continental limits of the United States" includes the States of Alaska and Hawaii.'

"(b) Section 606 of such Act, as amended, is further amended by adding at the end thereof the following new sentence: 'For the purposes of this section, the term "continental limits of the United States" includes the States of Alaska and Hawaii.'

"(c) Section 702 of such Act, as amended, is further amended by adding at the end thereof the following new sentence: 'For the purposes of this section, the term "continental United States" includes the States of Alaska and Hawaii.'

"Sec. 36. [Communications Act; amendment.] Section 222(a)(10) of the Communications Act of 1934, is amended by striking out the words 'the several States and the District of Columbia' and inserting in lieu thereof the words 'the District of Columbia and the States of the Union, except Hawaii'.

"Sec. 37. [Aircraft Loan Guarantees.] Section 3 of the Act of September 7, 1957 (71 Stat. 629), as amended, is further amended by striking out the words 'Territory of Hawaii' and inserting in lieu thereof the words 'State of Hawaii'.

"Sec. 38. [Real property transactions.] Section 43(c) of the Act of August 10, 1956 (70A Stat. 636), as amended is further amended by striking out the words 'United States, Hawaii,' and inserting in lieu thereof the words 'States of the Union, the District of Columbia,'.

"Sec. 39. [Selective service.] Section 16(b) of the Universal Military Training and Service Act, as amended, is further amended by striking out the word 'Hawaii,'.

"Sec. 40. [Reports on Federal Land Use.] The President shall prescribe procedures to assure that the reports to be submitted to him by Federal agencies pursuant to section 5(e) of the Act of March 18, 1959 (73 Stat. 6), providing for the admission of the State of Hawaii into the Union, shall be prepared in accordance with uniform policies and coordinated within the executive branch.

"Sec. 41. [Hawaiian Homes Commission Lands.] Section 5(b) of the Act of March 18, 1959 (73 Stat. 5), is amended by inserting, immediately following the words 'public property' the words ', and to all lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended,'.

"Sec. 42. [Lease by United States of Public Property of Hawaii.] Until August 21, 1964, there shall be covered into the treasury of the State of Hawaii the rentals or consideration received by the United States with

respect to public property taken for the uses and purposes of the United States under section 91 of the Hawaii Organic Act and thereafter by the United States leased, rented, or granted upon revocable permits to private parties.

"Sec. 43. [Transfer of Records.] (a) There are hereby transferred to the State of Hawaii all records and other papers that were made or received by any Federal or territorial agency, or any predecessor thereof, in connection with the performance of functions assumed in whole or in substantial part by the State of Hawaii. There are hereby also transferred to the State of Hawaii all records and other papers in the custody of the Public Archives of Hawaii that were made or received by any Federal agency.

"(b) There are also hereby transferred to the State of Hawaii all books, publications, and legal reference materials which are owned by the United States and which were, prior to the admission of Hawaii to the Union, placed in the custody of courts, libraries, or territorial agencies in Hawaii in order to facilitate the performance of functions conferred on such courts or agencies by Federal law.

"Sec. 44. [Use of G.S.A. Services or Facilities.] The Administrator of General Services is authorized to make available to the State of Hawaii such services or facilities as are determined by the Administrator to be necessary for an interim period, pending provision of such services or facilities by the State of Hawaii. Such interim period shall not extend beyond August 21, 1964. Payment shall be made to the General Services Administration by the State of Hawaii for the cost of such services or facilities to the Federal Government, as determined by the Administrator.

"Sec. 45. [Purchase of Typewriters.] Title I of the Independent Offices Appropriation Act, 1960, is amended by striking out the words 'for the purchase within the continental limits of the United States of any typewriting machines' and inserting in lieu thereof 'for the purchase within the States of the Union and the District of Columbia of any typewriting machines'.

"Sec. 46. [Federal Maritime Board.] Section 18(a) of the Act of March 18, 1959 (73 Stat. 12), providing for the admission of the State of Hawaii into the Union, is amended by striking out the words 'or is conferring' and inserting in lieu thereof the words 'or as conferring'.

"Sec. 47. [Effective Dates.] (a) The amendments made by section 14(a)(2)(A), by section 23(a), by paragraphs (1), (2), and (3) of section 29(d), by subsection (b), and paragraphs (1) and (3) of subsection (a), of section 30, and, except as provided in subsection (g) of this section, by section 20(b) shall be applicable in the case of promulgations or computations of Federal shares, allotment percentages, allotment ratios, and Federal percentages, as the case may be, made after August 21, 1959.

"(b) The amendments made by paragraph (2) of section 30(a) shall be effective with the beginning of the calendar quarter in which this Act is enacted. The Secretary of Health, Education, and Welfare shall, as soon as possible after enactment of this Act, promulgate a Federal percentage for Hawaii determined in accordance with the provisions of subparagraph (B) of section 1101(a)(8) of the Social Security Act, such promulgation to be effective for the period beginning with the beginning of the calendar quarter in which this Act is enacted and ending with the close of June 30, 1961.

"(c) The amendment made by paragraphs (1) and (2) of subsection (b) and paragraphs (1), (2), and (3) of subsection (d) of section 14 shall be applicable in the case of fiscal years beginning after June 30, 1960.

"(d) The amendments made by paragraphs (1) and (3) of section 14(a) shall be applicable, in the case of allotments under section 302(b) or 502 of the National Defense Education Act of 1958, for fiscal years beginning after June 30, 1960, and, in the case of allotments under section 302(a) of such Act, for fiscal years beginning after allotment ratios, to which the amendment made by paragraph (2) of section 14(a) is applicable, are promulgated under such section 302(a).

"(e) The amendment made by section 30(c)(1) shall be applicable in the case of deaths occurring on or after August 21, 1959.

"(f) The amendments made by subsection (c), paragraphs (3) and (4) of subsection (b), and paragraph (4) of subsection (d) of section 14, by section 20(a), by section 23(b), by subsections (a), (b), and (c), and paragraph (4) of subsection (d), of section 29, and by subsection (d), and paragraph (2) of subsection (c), of section 30 shall become effective on August 21, 1959.

"(g)(1) The allotment percentage determined for Alaska under section 11(h) of the Vocational Rehabilitation Act, as amended by this Act, for the first, second, third, and fourth years for which such percentage is based on the per capita income data for Alaska shall be increased by 76 per centum, 64 per centum, 52 per centum, and 28 per centum, respectively, of the difference between such allotment percentage for the year involved and 75 per centum.

"(2) The Federal share for Alaska determined under section 11(i) of the Vocational Rehabilitation Act, as amended by this Act, for the first year for which such Federal share is based on per capita income data for Alaska shall be increased by 70 per centum of the difference between such Federal share for such year and 60 per centum.

"(3) If such first year for which such Federal share is based on per capita income data for Alaska is any fiscal year ending prior to July 1, 1962, the adjusted Federal share for Alaska for such year for purposes of section 2(b) of the Vocational Rehabilitation Act shall notwithstanding the provisions of paragraph (3)(A) of such section 2(b), be the Federal share determined pursuant to paragraph (2) of this subsection.

"(4) Section 47(c) of the Alaska Omnibus Act (Public Law 86-70) is repealed.

"Sec. 48. [Administration of Palmyra, Midway, and Wake Islands.] Until Congress shall provide for the government of Palmyra Island, Midway Island, and Wake Island, all executive and legislative authority necessary for the civil administration of Palmyra Island, Midway Island and Wake Island, and all judicial authority other than that contained in the Act of June 15, 1950 (64 Stat. 217), as amended, shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize. In the case of Palmyra Island, such person or persons may confer upon the United States District Court for the District of Hawaii such jurisdiction (in addition to that contained in such Act of June 15, 1950), and such judicial functions and duties as he or they may deem appropriate for the civil administration of such island.

"Sec. 49. [Other Subjects.] The amendment by this Act of certain statutes by deleting therefrom specific references to Hawaii or such phrases as 'Territory of Hawaii' shall not be construed to affect the applicability or inapplicability in or to Hawaii of other statutes not so amended.

"Sec. 50. [Separability.] If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

Conveyance of Certain Surplus Federal Lands in Hawaii

Pub. L. 88-233, Dec. 23, 1963, 77 Stat. 472

"Sec. 1. [Procedure for conveyance to Hawaii of surplus Federal lands held as ceded, Statehood, permit and Sand Island lands; terms and conditions; monetary consideration; fair market value for improvements; disposal under other applicable laws; proportional payment of proceeds.] That (a)(i) whenever after August 21, 1964, any of the public lands and other public property as defined in section 5(g) of Public Law 86-3 (73 Stat. 4, 6) [set out as a note preceding section 491 of this title], or any lands acquired

by the Territory of Hawaii and its subdivisions, which are the property of the United States pursuant to section 5(c) or become the property of the United States pursuant to section 5(d) of Public Law 86-3, except the lands administered pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended [sections 1 to 4 of Title 16, Conservation] and (ii) whenever any of the lands of the United States on Sand Island, including the reef lands in connection therewith, in the city and county of Honolulu, are determined to be surplus property by the Administrator of General Services (hereinafter referred to as the "Administrator") with the concurrence of the head of the department or agency exercising administration or control over such lands and property, they shall be conveyed to the State of Hawaii by the Administrator subject to the provisions of this Act.

"(b) Such lands and property shall be conveyed without monetary consideration, but subject to such other terms and conditions as the Administrator may prescribe: *Provided*, That, as a condition precedent to the conveyance of such lands, the Administrator shall require payment by the State of Hawaii of the estimated fair market value, as determined by the Administrator, of any buildings, structures, and other improvements erected and made on such lands after they were set aside. In the event that the State of Hawaii does not agree to any payment prescribed by the Administrator, he may remove, relocate, and otherwise dispose of any such buildings, structures, and other improvements under other applicable laws, or if the Administrator determines that they cannot be removed without substantial damage to them or the lands containing them, he may dispose of them and the lands involved under other applicable laws, but, in such cases he shall pay to the State of Hawaii that portion of any proceeds from such disposal which he estimates to be equal to the value of the lands involved. Nothing in this section shall prevent the disposal by the Administrator under other applicable laws of the lands subject to conveyance to the State of Hawaii under this section if the State of Hawaii so chooses.

"Sec. 2. [Public trust; terms and conditions.] Any lands, property, improvements, and proceeds conveyed or paid to the State of Hawaii under section 1 of this Act shall be considered a part of public trust established by section 5(f) of Public Law 86-3 [set out above], and shall be subject to the terms and conditions of that trust."

Proc. No. 3309. Admission of the State of Hawaii into the Union

Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74, provided:

WHEREAS the Congress of the United States by the act approved on March 18, 1959 (73 Stat. 4) [set out above], accepted, ratified, and confirmed the constitution adopted by a vote of the people of Hawaii in an election held on November 7, 1950, and provided for the admission of the State of Hawaii into the Union on an equal footing with the other States upon compliance with certain procedural requirements specified in that act; and

WHEREAS it appears from the information before me that a majority of the legal votes cast at an election on June 27, 1959, were in favor of each of the propositions required to be submitted to the people of Hawaii by section 7(b) of the act of March 18, 1959 [set out above]; and

WHEREAS it further appears from information before me that a general election was held on July 28, 1959, and that the returns of the general election were made and certified as provided in the act of March 18, 1959 [set out above]; and

WHEREAS the Governor of Hawaii has certified to me the results of the submission to the people of Hawaii of the three propositions set forth in section 7(b) of the act of March 18, 1959 [set out above], and the results of the general election; and

WHEREAS I find and announce that the people of Hawaii have duly adopted the propositions required to be submitted to them by the act of March 18, 1959 [set out above], and have duly elected the officers required to be elected by that act:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Hawaii to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Hawaii into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington at four p.m. E.D.T. on this twenty-first day of August in the year [SEAL] of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER.

Ex. Ord. No. 11048. Administration of Wake Island and Midway Island

Ex. Ord. No. 11048, Sept. 5, 1962, 27 F.R. 8851, provided:

By virtue of the authority vested in me by section 48 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 86-624) [set out above] and section 301 of title 3 of the United States Code and as President of the United States, it is hereby ordered as follows:

Part I—Wake Island

Section 101. The Secretary of the Interior shall be responsible for the civil administration of Wake Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Wake Island other than the authority contained in the act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

Sec. 102. The executive, legislative, and judicial authority provided for in section 101 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, or through such officers or employees of the United States not under the administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

Sec. 103. Executive Order No. 6935 of December 29, 1934, to the extent that it pertains to Wake Island, is hereby superseded.

Part II—Midway Island

Section 201. The Secretary of the Navy shall be responsible for the civil administration of Midway Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Midway Island other than the authority contained in the act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a) shall be vested in the Secretary of the Navy.

Sec. 202. The executive, legislative, and judicial authority provided for in section 201 of this order shall be exercised through such agency or agencies of the Navy Department, or through such officers or employees under the jurisdiction of the Secretary of the Navy, as the Secretary may direct or authorize, and

shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 203. Such public lands on the Midway Islands, Hawaiian group, between the parallels of 28°5' and 28°25' North latitude, and between the meridians of 177°10' and 177°80' West longitude, as were placed under the jurisdiction and control of the Navy Department by the provisions of Executive Order No. 199–A of January 20, 1903, are hereby continued under the jurisdiction and control of that Department. Executive Order No. 199–A is hereby superseded.

PART III—MISCELLANEOUS PROVISIONS

SECTION 301. The provisions of each of the foregoing Parts of this order shall continue in force until the Congress shall provide for the civil administration of the affected Island or until such earlier time as the President may specify.

SEC. 302. As used herein, the terms "Wake Island" and "Midway Island" include the reefs appurtenant to, and the territorial waters of, Wake Island and Midway Island, respectively.

SEC. 303. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

SEC. 304. This order shall not be deemed to affect Executive Order No. 9709 of March 29, 1946, or Executive Order No. 9797 of November 6, 1946.

SEC. 305. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the legal interests of the United States in civil or criminal cases arising under the provisions of the act of June 15, 1950.

JOHN F. KENNEDY.

DELEGATION OF FUNCTIONS

Ex. Ord. No. 11230, June 28, 1965, 30 F.R. 8447, under which the functions of the President under section 5(e) of the Hawaii Statehood Act of Mar. 18, 1959, [set out above], were delegated to the Director of the Bureau of the Budget [now Director of Office of Management and Budget], was superseded by Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out under section 301 of Title 3, The President.

§§ 491 to 503. Omitted

CODIFICATION

Sections 491 to 503 were omitted from the Code as obsolete.

Section 491, act Apr. 30, 1900, ch. 339, § 2, 31 Stat. 141, gave the name Territory of Hawaii to the Hawaiian Islands.

Section 492, act Apr. 30, 1900, ch. 339, § 3, 31 Stat. 141, established a Territorial government with its capital at Honolulu.

Section 493, act Apr. 30, 1900, ch. 339, § 1, 31 Stat. 141, defined the phrase "the laws of Hawaii" as used in this chapter.

Section 494, act Apr. 30, 1900, ch. 339, § 4, 31 Stat. 141, granted United States citizenship to citizens of the former Republic of Hawaii and Territorial citizenship to United States citizens resident in the Territory under certain conditions.

Section 495, acts Apr. 30, 1900, ch. 339, § 5, 31 Stat. 141; May 27, 1910, ch. 258, § 1, 36 Stat. 443; Apr. 12, 1930, ch. 136, § 1(a), 46 Stat. 160; June 6, 1932, ch. 209, § 116(b), 47 Stat. 205, made applicable to the Territory the United States Constitution and all other laws of the United States including laws carrying general appropriations.

Section 496, act Apr. 30, 1900, ch. 339, § 6, 31 Stat. 142, continued in force laws of Hawaii not inconsistent with the Constitution or laws of the United States.

Section 497, act Apr. 30, 1900, ch. 339, § 74, 31 Stat. 155, continued in force laws of Hawaii relating to agriculture and forestry subject to modification by Congress or the Legislature.

Section 498, act Apr. 30, 1900, ch. 339, § 102, 31 Stat. 161, related to abolishment of laws related to postal savings banks.

Section 499, Joint Res. July 7, 1898, No. 55, § 1, 30 Stat. 751, provided for assumption of public debt of Hawaii existing on July 7, 1898, not to exceed $4,000,000.

Section 500, act Apr. 30, 1900, ch. 339, § 9, 31 Stat. 143, amended the laws of Hawaii to read "Governor of the Territory" or "Territory" as the context required whenever reference was made to "President of the Republic" or "Republic" in the laws.

Section 501, act Apr. 30, 1900, ch. 339, § 10, 31 Stat. 143, continued in effect and transfered to the Territory of Hawaii prior rights in favor and against the former Republic of Hawaii and preserved all criminal proceedings.

Section 502, act Apr. 30, 1900, ch. 339, § 10, 31 Stat. 143, prohibited suits for specific performance of personal labor contracts.

Section 503, act Apr. 30, 1900, ch. 339, § 10, 31 Stat. 143, provided that contracts made between Apr. 12, 1898, and Apr. 30, 1900, providing for service for a definite term, should be null and void.

§ 504. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(6), 66 Stat. 279

Section, act Apr. 30, 1900, ch. 339, § 10, 31 Stat. 143, related to applicability of immigration contract labor law. See section 1151 et seq. of Title 8, Aliens and Nationality.

§§ 505 to 518. Omitted

CODIFICATION

Sections 505 to 518 were omitted from the Code as obsolete.

Section 505, act Apr. 30, 1900, ch. 339, § 11, 31 Stat. 144, prescribed the style of process in courts.

Section 506, act Apr. 30, 1900, ch. 339, §§ 95, 96, 31 Stat. 160, made certain fisheries free to United States citizens subject to vested rights.

Section 507, act Apr. 30, 1900, ch. 339, § 96, 31 Stat. 160, provided for the condemnation of private fishing rights.

Section 508, acts Apr. 30, 1900, ch. 339, § 97, 31 Stat. 160; July 1, 1944, ch. 373, title IX, § 913, formerly title VI, § 611, 58 Stat. 714, provided that jurisdiction of the health laws remain under the control of the Territory of Hawaii.

Section 509, act Apr. 30, 1900, ch. 339, § 98, 31 Stat. 161, allowed the American registry of Hawaiian-registered vessels.

Section 510, acts Apr. 30, 1900, ch. 339, § 89, 31 Stat. 159; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 496, 561; June 29, 1954, ch. 418, 68 Stat. 323, placed control of wharves and landings under the Territory of Hawaii.

Section 511, acts Apr. 30, 1900, ch. 339, § 91, 31 Stat. 159; May 27, 1910, ch. 258, § 7, 36 Stat. 447; June 19, 1930, ch. 546, 46 Stat. 789; Aug. 21, 1958, Pub. L. 85-719, § 1, 72 Stat. 709, gave to the Territory of Hawaii control of public property ceded to United States by Republic of Hawaii and allowed the transfer of title to political subdivisions of the Territory.

Section 512, act May 26, 1906, ch. 2561, 34 Stat. 204, made provision for sale, lease, or disposal of personal or movable property ceded to the United States.

Section 513, act Jan. 14, 1903, ch. 186, §§ 1, 2, 32 Stat. 770, called for recoinage of Hawaiian silver coins into subsidiary silver coins of the United States.

Section 514, act Jan. 14, 1903, ch. 186, § 3, 32 Stat. 771, allowed any collector of customs or internal revenue to exchange United States coins in his custody for Hawaiian coins under regulations of the Secretary of the Treasury.

Section 515, act Jan. 14, 1903, ch. 186, § 4, 32 Stat. 771, allowed the recoinage of mutilated or abraded Hawaiian coins into subsidiary coinage of the United States by any mint of the United States.

Section 516, act Jan. 14, 1903, ch. 186, § 6, 32 Stat. 771, made unlawful circulation as money of any silver

certificate issued by the government of the Hawaiian Islands prior to Jan. 14, 1903.

Section 517, act Jan. 14, 1903, ch. 186, § 7, 32 Stat. 771, limited redemption of Hawaiian silver certificates or silver coin to redemption in the manner and upon the conditions set for the recoinage of Hawaiian silver.

Section 518, act Apr. 30, 1900, ch. 3390, § 105, as added July 9, 1921, ch. 42, § 315, 42 Stat. 120, prohibited employment as a mechanic or laborer on any public work of persons not citizens of the United States or eligible for such citizenship.

§ 518a. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449

Section, act Jan. 2, 1942, ch. 646, 55 Stat. 881, related to employment of nationals of the United States on public works in Hawaii during the national emergency.

§ 519. Omitted

CODIFICATION

Section, acts Apr. 30, 1900, ch. 339, § 55, 31 Stat. 150; May 27, 1910, ch. 258, § 4, 36 Stat. 444; July 9, 1921, ch. 42, § 302, 42 Stat. 116; June 6, 1926, ch. 512, §§ 1, 2, 44 Stat. 710, 711, which required two-year residence for the grant of a divorce, was omitted from the Code as obsolete.

§ 520. Repealed. Mar. 26, 1934, ch. 88, § 1, 48 Stat. 467

Section, act May 23, 1918, ch. 84, § 1, 40 Stat. 560, prohibited manufacture, sale, transport, etc., of intoxicating liquors.

§§ 531 to 535. Omitted

CODIFICATION

Section 531, acts Apr. 30, 1900, ch. 339, § 66, 31 Stat. 153; July 9, 1921, ch. 42, § 303, 42 Stat. 116, which vested the executive power in a governor and set out his age and residence requirements, appointment, term, and powers in general, was omitted from the Code as obsolete.

Section 532, act Apr. 30, 1900, ch. 339, § 67, 31 Stat. 153, which made the governor responsible for the execution of all laws and granted him other executive powers, was omitted from the Code as obsolete.

Section 533, act Apr. 30, 1900, ch. 339, § 68, 31 Stat. 153, which vested in the governor the powers and duties of specified former officials, was omitted from the Code as obsolete.

Section 534, acts Apr. 30, 1900, ch. 339, § 69, 31 Stat. 154; July 2, 1932, ch. 389, 47 Stat. 565; Aug. 21, 1958, Pub. L. 85-714, 72 Stat. 707, which called for the appointment of a Secretary of Hawaii and set out the powers and duties of his office, was omitted from the Code as obsolete.

Section 535, act Apr. 30, 1900, ch. 339, § 70, 31 Stat. 154, which called for the secretary to perform the duties of the governor in the event of the governor's death, removal, resignation, or disability, was omitted from the Code as obsolete.

§ 536. Repealed. Pub. L. 86-3, § 14(e), Mar. 18, 1959, 73 Stat. 10

Section, acts Apr. 30, 1900, ch. 339, § 92, 31 Stat. 159; May 27, 1910, ch. 258, § 8, 36 Stat. 448; July 9, 1921, ch. 42, § 314, 42 Stat. 120; Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 680, prescribed the salary of the governor and the secretary of the Territory of Hawaii, and specified incidental expenses of the governor.

§§ 537, 538. Omitted

CODIFICATION

Section 537, act Apr. 30, 1900, ch. 339, § 71, 31 Stat. 154, which prescribed the powers and duties of the attorney general of Hawaii, was omitted from the Code as obsolete.

Section 538, act Apr. 30, 1900, ch. 339, § 72, 31 Stat. 154, which prescribed the powers and duties of the treasurer of Hawaii, was omitted from the Code as obsolete.

§ 539. Repealed. Pub. L. 86-3, § 14(e), Mar. 18, 1959, 73 Stat. 10

Section, acts Apr. 30, 1900, ch. 339, § 92, 31 Stat. 159; May 27, 1910, ch. 258, § 8, 36 Stat. 448; July 9, 1921, ch. 42, § 314, 42 Stat. 120, authorized the governor to employ a private secretary at an annual salary of $3,000.

§§ 540 to 546. Omitted

CODIFICATION

Sections 540 to 546 were omitted from the Code as obsolete.

Section 540, act Apr. 30, 1900, ch. 339, § 75, 31 Stat. 155, prescribed the powers and duties of the superintendent of public works.

Section 541, acts Apr. 30, 1900, ch. 339, § 76, 31 Stat. 155; Apr. 8, 1904, ch. 948, 33 Stat. 164; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737, prescribed the powers and duties of the superintendent of public instruction.

Section 542, acts Apr. 30, 1900, ch. 339, § 77, 31 Stat. 156; Aug. 1, 1956, ch. 862, § 1, 70 Stat. 920, created the posts of auditor and deputy auditor and prescribed their powers and duties.

Section 542a, act Apr. 30, 1900, ch. 339, § 77a, as added Aug. 1, 1956, ch. 862, § 2, 70 Stat. 920, created the position of post auditor and set out his duties, term, and powers.

Section 543, act Apr. 30, 1900, ch. 339, § 78, 31 Stat. 156, prescribed the powers and duties of the surveyor.

Section 544, act Apr. 30, 1900, ch. 339, § 79, 31 Stat. 156, prescribed the powers and duties of the high sheriff and deputies.

Section 545, act Apr. 30, 1900, ch. 339, § 106, as added July 9, 1921, ch. 42, § 315, 42 Stat. 121, and amended Aug. 14, 1958, Pub. L. 85-650, § 1, 72 Stat. 606, prescribed the powers and duties of the board of harbor commissioners and called for board supervision of moneys appropriated for harbor improvements.

Section 546, acts Apr. 30, 1900, ch. 339, § 80, 31 Stat. 156; Mar. 3, 1905, ch. 1465, § 2, 33 Stat. 1035; July 9, 1921, ch. 42, § 312, 42 Stat. 119; Aug. 1, 1956, ch. 862, § 1, 70 Stat. 920; Aug. 28, 1958, Pub. L. 85-793, §§ 1, 2, 72 Stat. 957, dealt with nomination and appointment of officers by the governor and provided for their terms and salaries.

§§ 561 to 599. Omitted

CODIFICATION

Sections 561 to 599 were omitted from the Code as obsolete.

Section 561, act Apr. 30, 1900, ch. 339, § 12, 31 Stat. 144, called for a bicameral legislature for the Territory consisting of a senate and house of representatives.

Section 562, acts Apr. 30, 1900, ch. 339, § 55, 31 Stat. 150; May 27, 1910, ch. 258, § 4, 36 Stat. 444; July 9, 1921, ch. 42, § 302, 42 Stat. 118; June 9, 1926, ch. 512, §§ 1, 2, 44 Stat. 710, 711; Aug. 1, 1956, ch. 851, § 7, 70 Stat. 907; Aug. 20, 1958, Pub. L. 85-691, § 3, 72 Stat. 685, described the scope of legislative power.

Section 562a, act July 15, 1935, ch. 378, § 1, 49 Stat. 479, authorized the issuance of revenue bonds by the legislature and empowered the legislature to authorize the issuance of bonds by political or municipal corporations or subdivisions.

Section 562b, act July 15, 1935, ch. 378, § 2, 49 Stat. 480, empowered the legislature to authorize the city and county of Honolulu to issue flood control bonds.

Section 562c, act July 15, 1935, ch. 378, § 3, 49 Stat. 480, approved, ratified, and confirmed issuance of revenue bonds which had been authorized by the legislature prior to July 15, 1935.

Section 562c-1, act Apr. 3, 1944, ch. 154, 58 Stat. 186, ratified and confirmed the legislative action which

had extended the time within which revenue bonds could be issued without presidential approval and without reference to the Hawaiian Organic Act.

Section 562c–2, act July 30, 1947, ch. 396, 61 Stat. 676, ratified and confirmed the legislative action which had extended the time within which revenue bonds could be issued without presidential approval and without reference to the Hawaiian Organic Act.

Section 562d, act Aug. 31, 1935, ch. 436, § 1, 49 Stat. 516, empowered the legislature to authorize issuance of revenue bonds by political or municipal corporations or subdivisions of the Territory and confirmed and ratified acts of the legislature prior to Aug. 3, 1935, which authorized issuance of revenue bonds.

Section 562e, acts Aug. 3, 1935, ch. 436, § 2, 49 Stat. 517; May 28, 1937, ch. 274, 50 Stat. 211; July 10, 1937, ch. 486, 50 Stat. 509, authorized the Territory to issue public improvement bonds.

Section 562e–1, act June 29, 1954, ch. 417, 68 Stat. 322, ratified and confirmed the Revenue Bond Act of 1935, as amended, through the 1953 regular session of the legislature.

Section 562f, act July 10, 1937, ch. 485, 50 Stat. 508, authorized the issuance of public improvement bonds by the Territory.

Section 562g, acts July 10, 1937, ch. 484, 50 Stat. 508; July 18, 1950, title II, § 202(a), 64 Stat. 345, authorized the legislature to establish authorities for slum clearance and housing projects, made provision for issuance of bonds therefor, ratified and confirmed prior legislation on the subject, and provided that powers granted should not be in derogation of other powers granted by other laws.

Section 562h, act July 10, 1937, ch. 483, § 1, 50 Stat. 507, empowered the legislature to authorize the city and county of Honolulu to issue general obligation bonds to permit the construction of a sewer system.

Section 562i, act July 10, 1937, ch. 483, § 2, 50 Stat. 507, dealt with the nature of the Honolulu sewer system bonds and provided for their maturity.

Section 562j, act July 10, 1937, ch. 483, § 3, 50 Stat. 507, ratified and confirmed the action taken by the legislature in its 1937 session pertaining to the issuance of sewer bonds.

Section 562k, act July 18, 1947, ch. 265, 61 Stat. 381, permitted the legislature to authorize the issue of additional general obligation bonds by the city and county of Honolulu for construction of a sewer system and ratified the actions taken in the 1947 session of the legislature pertaining to the issuance of sewer system bonds.

Section 562l, act July 15, 1947, ch. 250, 61 Stat. 326, authorized and empowered the Territory to issue public improvement bonds during 1947–1951 and provided for the maturity of such bonds and their issuance without presidential approval.

Section 562m, act Oct. 26, 1949, ch. 754, §§ 1–3, 63 Stat. 926, authorized and empowered the Territory to issue public improvement bonds during 1949–1955, and provided for their maturity and issuance without presidential approval.

Section 562n, acts Aug. 24, 1954, ch. 889, §§ 1–3, 68 Stat. 782; July 14, 1956, ch. 606, § 1, 70 Stat. 552; Aug. 20, 1958, Pub. L. 85–691, § 1, 72 Stat. 685, empowered the legislature to authorize the issuance of general obligation bonds for veterans' mortgages and provided for their limitation, maturity, and ratification.

Section 562o, acts Aug. 24, 1954, ch. 892, §§ 1, 3, 4, 68 Stat. 785; July 14, 1956, ch. 606, § 2, 70 Stat. 552; Aug. 20, 1958, Pub. L. 85–691, § 2, 72 Stat. 685, ratified and confirmed the issuance of public improvement bonds issued during 1954 to 1959 and limited the maturity date of such bonds.

Section 562p, act Aug. 24, 1954, ch. 896, §§ 1–3, 68 Stat. 787, empowered the legislature to authorize the city and county of Honolulu to issue public improvement bonds for the construction of sewerage systems in Honolulu.

Section 562q, act Aug. 24, 1954, ch. 898, §§ 1–3, 68 Stat. 788, empowered the legislature to authorize the city and county of Honolulu to issue public improvement bonds for the construction of flood-control and drainage systems in Honolulu.

Section 562r, act July 11, 1956, ch. 567, §§ 1–3, 70 Stat. 526, ratified and confirmed the issuance of general obligation bonds by the city and county of Honolulu and authorized the issuance of additional bonds, setting a limit on the size of such issue.

Section 562s, act July 14, 1956, ch. 602, § 1, 70 Stat. 545, authorized the Territory to issue revenue bonds for highway construction payable from funds derived from highway vehicle fuel taxes.

Section 562t, act July 14, 1956, ch. 602, § 2, 70 Stat. 545, set out certain requirements for bonds issued under section 562s.

Section 562u, act July 14, 1956, ch. 602, § 3, 70 Stat. 545, allowed the application of federal-aid highway funds to aid in the retirement of highway bonds.

Section 562v, act July 14, 1956, ch. 602, § 4, 70 Stat. 545, defined "highway fuel taxes" as used in sections 562s–562v.

Section 562w, Pub. L. 85–534, § 2, July 18, 1958, 72 Stat. 379, authorized the Territory to issue aviation revenue bonds, set out the requirements and limitations thereof, allowed for retirement thereof with federal funds, and defined the term "aviation fuel taxes".

Section 563, acts Apr. 30, 1900, ch. 339, § 56, 31 Stat. 151; Mar. 3, 1905, ch. 1465, § 1, 33 Stat. 1035, empowered the legislature to create town and city municipalities and provide for the government thereof.

Section 564, act Apr. 30, 1900, ch. 339, § 13, 31 Stat. 144, prohibited persons from sitting as senators and representatives in the legislature except in conformity with the statutory provisions therefor.

Section 565, acts Apr. 30, 1900, ch. 339, § 30, 31 Stat. 146; Aug. 1, 1956, ch. 851, § 1, 70 Stat. 903, provided for the number of senators and for the length of their term.

Section 566, acts Apr. 30, 1900, ch. 339, § 34, 31 Stat. 147; Sept. 15, 1922, ch. 315, 42 Stat. 844, set out the age, citizenship, and residence requirements of senators.

Section 567, act Apr. 30, 1900, ch. 339, § 31, 31 Stat. 146, called for the filling of vacancies in the senate caused by death, resignation, or otherwise through general or special elections.

Section 568, acts Apr. 30, 1900, ch. 339, § 32, 31 Stat. 147; Aug. 1, 1956, ch. 851, § 2, 70 Stat. 903, divided the Territory into senatorial districts.

Section 569, acts Apr. 30, 1900, ch. 339, § 32, 31 Stat. 147; Aug. 1, 1956, ch. 851, § 3, 70 Stat. 903, apportioned the senators between the various senatorial districts.

Section 570, acts Apr. 30, 1900, ch. 339, § 35, 31 Stat. 147; Aug. 1, 1956, ch. 851, § 4, 70 Stat. 903, set out the number of representatives and called for their election by the qualified voters of the respective representative districts.

Section 571, acts Apr. 30, 1900, ch. 339, § 40, 31 Stat. 148; Sept. 15, 1922, ch. 315, 42 Stat. 844, stated the age, citizenship, and residence requirements of representatives.

Section 572, act Apr. 30, 1900, ch. 339, § 36, 31 Stat. 147, placed the term of office of representatives as the period between their election at a general or special election and the next general election held thereafter.

Section 573, act Apr. 30, 1900, ch. 339, § 37, 31 Stat. 147, directed that vacancies in the house of representatives caused by death, resignations, or otherwise be filled by special elections.

Section 574, acts Apr. 30, 1900, ch. 339, § 38, 31 Stat. 147; Aug. 1, 1956, ch. 851, § 5, 70 Stat. 906, divided the Territory into representative districts.

Section 575, acts Apr. 30, 1900, ch. 339, § 30, 31 Stat. 148; Aug. 1, 1956, ch. 851, § 6, 70 Stat. 906, apportioned the representatives between the representative districts.

Section 576, acts Apr. 30, 1900, ch. 339, §§ 41 to 43, 31 Stat. 148; Aug. 20, 1958, Pub. L. 85–690, §§ 1, 2, 72 Stat. 684, set the date for the regular and budget sessions, commencement, duration, and adjournment, and the budget session agenda.

Section 577, act Apr. 30, 1900, ch. 339, § 44, 31 Stat. 148, set out the enacting clause of all laws and re-

quired that all legislative sessions be conducted in the English language.

Section 578, act Apr. 30, 1900, ch. 339, § 45, 31 Stat. 148, required that each law embrace but one subject and that its subject be expressed in its title.

Section 579, act Apr. 30, 1900, ch. 339, § 46, 31 Stat. 148, covered the passage of bills on three readings on separate days and final passage by a majority vote of all the members to which each house is entitled taken by ayes and noes and entered upon the journal.

Section 580, act Apr. 30, 1900, ch. 339, § 47, 31 Stat. 149, provided for certification of bills by the presiding officer or clerk of the house just passed and immediate submission to the other house for consideration.

Section 581, act Apr. 30, 1900, ch. 339, § 49, 31 Stat. 149, made provision for the veto or approval of bills and allowed veto of specific items in appropriation bills while requiring the veto of all other bills only in their entirety.

Section 582, act Apr. 30, 1900, ch. 339, § 48, 31 Stat. 149, required the signature of the governor to make valid all bills passed by the legislature except as otherwise provided.

Section 583, act Apr. 30, 1900, ch. 339, § 50, 31 Stat. 149, set out the procedure to be followed by the legislature in the event of a veto by the governor.

Section 584, act Apr. 30, 1900, ch. 339, § 51, 31 Stat. 149, set out the effect to be given the governor's failure to sign, veto, or return a bill passed by the legislature and sent to him.

Section 585, acts Apr. 30, 1900, ch. 339, § 52, 31 Stat. 149; May 27, 1910, ch. 258, § 3, 36 Stat. 444, required that appropriation be made by the legislature except as otherwise provided.

Section 586, acts Apr. 30, 1900, ch. 339, § 53, 31 Stat. 149; Aug. 20, 1958, Pub. L. 85-690, § 3, 72 Stat. 684, required the governor to submit to the legislative estimates of appropriations for the succeeding biennial period or for the succeeding fiscal year in the event of an additional regular session of the legislature.

Section 587, act Apr. 30, 1900, ch. 339, § 54, 31 Stat. 150, made provision for the calling of an extra session of the legislature and payment by the treasurer of current expenses in the event of the failure of the legislature to pass appropriation bills covering necessary current expenses.

Section 588, acts Apr. 30, 1900, ch. 339, § 16, 31 Stat. 145; Oct. 26, 1949, ch. 752, 63 Stat. 926, prohibited the appointment or election of a member of the legislature to any office of the Territory during the term for which he was elected.

Section 589, act Apr. 30, 1900, ch. 339, § 17, 31 Stat. 145, made ineligible to hold the office of member of the legislature any person holding office in or under or by authority of the government of the United States or the Territory of Hawaii.

Section 590, act Apr. 30, 1900, ch. 339, § 18, 31 Stat. 145, made ineligible to vote for or hold office in the legislature all idiot or insane persons, persons expelled from the legislature for bribery, and persons convicted of criminal offenses punishable by imprisonment for a term exceeding one year unless the person was convicted and subsequently had his civil rights restored.

Section 591, act Apr. 30, 1900, ch. 339, § 19, 31 Stat. 145, prescribed the oath to be taken by legislators and territorial officers.

Section 592, act Apr. 30, 1900, ch. 339, § 20, 31 Stat. 145, called for the senate and the house of representatives to choose their own officers, determine rules and keep a journal.

Section 593, act Apr. 30, 1900, ch. 339, § 21, 31 Stat. 145, required that, at the desire of one-fifth of the members present, the ayes and noes of members be entered on the journal.

Section 594, act Apr. 30, 1900, ch. 339, §§ 22-24, 31 Stat. 145, set out the attendance required for a quorum of each house of the legislature, the votes required for final passage of a law, adjournment, absentees, and a count of the members present by the chairman.

Section 595, act Apr. 30, 1900, ch. 339, § 28, 31 Stat. 146, granted members of the legislature a privilege for any word uttered in the exercise of their legislative functions in either house.

Section 596, act Apr. 30, 1900, ch. 339, § 27, 31 Stat. 146, authorized each house of the legislature to punish its members by censure for disorderly behavior or neglect of duty and to suspend or expel its members by a two-thirds vote.

Section 597, act Apr. 30, 1900, ch. 339, § 25, 31 Stat. 146, authorized each house to punish non-members for contempt but granted a person so charged the right to be informed of the charges, present evidence, and be heard in his own defense.

Section 598, act Apr. 30, 1900, ch. 339, § 29, 31 Stat. 146, granted members of the legislature a privilege from arrest, except in cases of treason, felony, or breach of the peace, during their attendance at sessions in their respective houses.

Section 599, acts Apr. 30, 1910, ch. 339, § 26, 31 Stat. 146; May 27, 1910, ch. 258, § 2, 36 Stat. 444; July 9, 1921, ch. 42, § 301, 42 Stat. 115; June 27, 1930, ch. 647, 46 Stat. 824; Aug. 20, 1958, Pub. L. 85-690, § 4, 72 Stat. 684, set out the compensation and additional compensation to be paid members of the legislature.

§§ 611 to 620. Omitted

CODIFICATION

Sections 611 to 620 were omitted from the Code as obsolete.

Section 611, act Apr. 30, 1900, ch. 339, § 14, 31 Stat. 144, called for general elections to be held on the Tuesday next after the first Monday in November, biennially in even-numbered years.

Section 612, act Apr. 30, 1900, ch. 339, § 15, 31 Stat. 145, made each house the judge of the elections, returns, and qualifications of its own members.

Section 613, act Apr. 30, 1900, ch. 339, §§ 57, 58, 31 Stat. 151, granted each elector a privilege from military duty on election day in any way which would deprive him of his vote except in time of war or public danger and also granted a privilege from arrest while going to and returning from attendance at the election except in certain cases.

Section 614, act Apr. 30, 1900, ch. 339, § 59, 31 Stat. 151, allowed each voter for representative to vote for as many representatives as would be elected from the representative district in which the voter was entitled to vote and gave the posts of representatives to those candidates receiving the highest number of votes.

Section 615, act Apr. 30, 1900, ch. 339, § 61, 31 Stat. 152, allowed each voter to cast one vote for senator to be elected from the district in which the voter could vote and called for the required numbers of candidates receiving the highest number of votes to become the senators for their districts.

Section 616, act Apr. 30, 1900, ch. 339, § 62, 31 Stat. 152, made the qualifications for voters for senator and for all other elections the same as the qualifications for voters casting votes for representative.

Section 617, acts Apr. 30, 1900, ch. 339, § 60, 31 Stat. 151; June 26, 1930, ch. 620, 46 Stat. 818, set out the qualifications required for an elector to vote for representative.

Section 618, act June 13, 1918, ch. 97, §§ 1, 2, 4, 40 Stat. 604, authorized extension of franchise to women, and was repealed by act Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029. See Const. Amend. 19.

Section 619, act Apr. 30, 1900, ch. 339, § 63, 31 Stat. 152, prevented from voting all persons who were in Hawaii by reason of being in the Army or Navy or being attached to troops of the United States.

Section 619a, act Apr. 30, 1900, ch. 339, § 64, 31 Stat. 152, continued in force the rules and regulations for administering oaths and holding elections.

Section 620, act Apr. 30, 1900, ch. 339, § 65, 31 Stat. 153, authorized the legislature to establish and alter boundaries of election districts and voting precincts and apportion senators and representatives to be elected from such districts.

§§ 631 to 633. Omitted

CODIFICATION

Section 631, act Apr. 30, 1900, ch. 339, § 81, 31 Stat. 157, which made provision for the vesting of judicial power in courts and continued in force the courts' jurisdiction and procedure previously in force, was omitted from the Code as obsolete.

Section 632, acts Apr. 30, 1900, ch. 339, § 82, 31 Stat. 157; June 15, 1950, ch. 250, 64 Stat. 216, which set out the size and organization of the supreme court, the appointment and qualifications of its members, and provisions for the filling of vacancies therein, was omitted from the Code as obsolete.

Section 633, acts Apr. 30, 1900, ch. 339, § 80, 31 Stat. 156; Mar. 3, 1905, ch. 1465, § 2, 33 Stat. 1035; July 9, 1921, ch. 42, § 312, 42 Stat. 119; May 9, 1956, ch. 237, § 1, 70 Stat. 130, which called for presidential appointment of the members of the supreme court and circuit courts and set the tenure and qualifications of judges, was omitted from the Code as obsolete.

§§ 634, 634a. Repealed. Pub. L. 86–3, § 14(e), Mar. 18, 1959, 73 Stat. 10

Section 634, acts Apr. 30, 1900, ch. 339, § 92, 31 Stat. 159; May 27, 1910, ch. 258, § 8, 36 Stat. 448; July 9, 1921, ch. 42, § 314, 42 Stat. 120, related to salaries of justices of supreme court and circuit courts.

Section 634a, acts May 29, 1928, ch. 904, §§ 1, 2, 45 Stat. 997; Apr. 30, 1956, ch. 226, § 1, 70 Stat. 123, related to salaries of justices of supreme court and circuit courts.

§§ 634b, 634c. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section 634b, acts May 31, 1938, ch. 301, § 1, 52 Stat. 591; Apr. 16, 1946, ch. 139, § 1, 60 Stat. 90, related to retirement of justices and judges.

Section 634c, acts May 31, 1938, ch. 301, § 2, 52 Stat. 591; Apr. 16, 1946, ch. 139, § 2, 60 Stat. 90, related to computation of years of service.

§§ 635, 636. Omitted

CODIFICATION

Section 635, acts Apr. 30, 1900, ch. 339, § 83, 31 Stat. 157; Apr. 1, 1952, ch. 127, § 1, 66 Stat. 32, which continued in force all laws relating to judicial departments and procedure, but made certain changes with reference to membership qualifications for membership on juries, was omitted from the Code as obsolete.

Section 636, acts Apr. 30, 1900, ch. 339, § 84, 31 Stat. 157; May 27, 1910, ch. 258, § 6, 36 Stat. 447, which set out standards for disqualification of jurors who were related by affinity or consanguinity with a person interested in the case being tried and for disqualification of judges in certain cases, was omitted from the Code as obsolete.

§§ 641 to 644. Repealed. June 25, 1948, ch. 646, §§ 8, 39, 62 Stat. 986, 992

Section 641, acts Apr. 30, 1900, ch. 339, § 86(a), (d), 31 Stat. 158; Mar. 3, 1909, ch. 269, § 1, 35 Stat. 838; July 9, 1921, ch. 42, § 313, 42 Stat. 119; Feb. 12, 1925, ch. 220, 43 Stat. 890; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; July 31, 1946, ch. 704, § 1, 60 Stat. 716, related to district court, sessions, powers, terms. See section 81 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 642, acts Apr. 30, 1900, ch. 339, § 86(c), 31 Stat. 158; Mar. 3, 1909, ch. 269, § 1, 35 Stat. 838; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 167; July 9, 1921, ch. 42, § 313, 42 Stat. 119; Feb. 12, 1925, ch. 220, 43 Stat. 890, related to jurisdiction of district court and authority of officers. See sections 81 et seq., 451 et seq., 501 et seq., 531 et seq., and 1331 et seq. of Title 28.

Section 642a, acts Aug. 13, 1940, ch. 662, 54 Stat. 784; Apr. 29, 1948, ch. 241, § 1, 62 Stat. 204, related to jurisdiction of cases arising on Midway, Wake, Johnston, etc., Islands. See section 91 of Title 28.

Section 643, acts Apr. 30, 1900, ch. 339, § 86, 31 Stat. 158; Mar. 3, 1909, ch. 269, § 1, 35 Stat. 838; July 9, 1921, ch. 42, § 313, 42 Stat. 119; Feb. 12, 1925, ch. 220, 43 Stat. 890, related to appointment and term of office of judges, district attorney, and marshal. See sections 133, 134, 501, 504, and 541 of Title 28.

Section 644, acts Apr. 30, 1900, ch. 339, § 86, 31 Stat. 158; Mar. 3, 1909, ch. 269, § 1, 35 Stat. 838; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1412; July 9, 1921, ch. 42, § 313, 42 Stat. 119; June 1, 1922, ch. 204, title II, 42 Stat. 614, 616; Jan. 3, 1923, ch. 21, title II, 42 Stat. 1084; Feb. 12, 1925, ch. 220, 43 Stat. 890, related to appointment and salaries of clerks, deputy clerks and reporters. See sections 604, 751, and 753 of Title 28.

§ 644a. Omitted

CODIFICATION

Section, acts June 15, 1950, ch. 253, 64 Stat. 217; Mar. 18, 1959, Pub. L. 86–3, § 14(j), 73 Stat. 11; July 12, 1960, Pub. L. 86–624, § 19, 74 Stat. 416, which extended the jurisdiction of the United States District Court for the District of Hawaii to cases arising on or within Midway Islands, Wake Islands, Johnstone Island, Sand Island, Kingman Reef, Palmyra Island, Baker Island, Howland Island, Jarvis Island, Canton Island, and Enderbury Island, was omitted from the Code as obsolete.

§ 645. Repealed. Pub. L. 86–3, § 14(f), Mar. 18, 1959, 73 Stat. 10

Section, acts Apr. 30, 1900, ch. 339, § 86, 31 Stat. 158; Mar. 3, 1909, ch. 269, § 1, 35 Stat. 838; Mar. 11, 1911, ch. 231, § 291, 36 Stat. 167; Mar. 4, 1920, ch. 161, § 1, 41 Stat. 1412; July 9, 1921, ch. 42, § 313, 42 Stat. 119; June 1, 1922, ch. 204, title II, 42 Stat. 614, 616; Jan. 3, 1923, ch. 21, title II, 42 Stat. 1084; Feb. 12, 1925, ch. 220, 43 Stat. 890; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; July 31, 1946, ch. 704, § 1, 60 Stat. 716; June 25, 1948, ch. 646, §§ 8, 39, 62 Stat. 986, 992, related to removal of causes and appeal. See section 91 of Title 28, Judiciary and Judicial Procedure and notes thereunder.

§ 646. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section, act Apr. 30, 1900, ch. 339, § 86a, as added June 19, 1939, ch. 211, 53 Stat. 841, related to rules in civil actions. See section 2072 of Title 28, Judiciary and Judicial Procedure.

§ 651. Omitted

CODIFICATION

Section 651, acts Apr. 30, 1900, ch. 339, § 85, 31 Stat. 158; June 28, 1906, ch. 3582, 34 Stat. 550, which provided the election of a Delegate to the House of Representatives of the United States to serve during each Congress, was omitted from the Code as obsolete.

§§ 661 to 678. Omitted

CODIFICATION

Sections 661 to 678 were omitted from the Code as obsolete.

Section 661, act July 7, 1898, No. 55, § 1, 30 Stat. 750, provided that the Congress of the United States shall enact special laws for the management and disposition of public lands.

Section 662, act Apr. 30, 1900, ch. 339, § 99, 31 Stat. 161, which declared to be the property of the Hawaiian Government the portion of the public domain known prior to April 30, 1900, as Crown land.

Section 663, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; July 9, 1921, ch. 42, § 304, 42 Stat. 116, defined "public lands", "commissioner", "land board" and "person".

Section 664, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch.

258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 304, 42 Stat. 117, declared that the laws of Hawaii relating to public lands, the settlement of boundaries and the issuance of patents on land commission awards, shall continue in force until Congress shall otherwise provide.

Section 664a, act Sept. 26, 1941, ch. 426, § 1, 55 Stat. 734, ratified Hawaiian realty transactions consummated on or before November 25, 1941.

Section 664b, act Sept. 26, 1941, ch. 426, § 2, 55 Stat. 734, provided that realty transaction so ratified shall be deemed and held to be perfect and valid from the day of the date thereof.

Section 665, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 304, 42 Stat. 117; Aug. 28, 1958, Pub. L. 85-803, § 1, 72 Stat. 971, prescribed the Terms and conditions of leases on public lands.

Section 666, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; July 9, 1921, ch. 42, § 304, 42 Stat. 117, directed that all funds arising from the sale or lease of public lands be appropriated by the laws of the government of the territory of Hawaii.

Section 667, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, § 5, 86 Stat. 444; July 9, 1921, ch. 42, § 304, 42 Stat. 117, set out the requirements for those who would be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement or special homestead agreement.

Section 668, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 304, 42 Stat. 117, 118, prescribed limitations on the alienation of public lands for which certificates of occupancy have been issued.

Section 669, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1919, ch. 258; § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 305, 42 Stat. 118, set out provisions for forfeiture of lands for noncompliance with prior provisions.

Section 670, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 305, 42 Stat. 118; July 27, 1939, ch. 383, § 1, 53 Stat. 1126; July 9, 1952, ch. 617, 66 Stat. 515; Apr. 6, 1956, ch. 180, § 1, 70 Stat. 102; Aug. 1, 1956, ch. 854, 70 Stat. 918, determined the persons entitled to take under certificates of occupation, lease or agreement.

Section 671, acts Apr. 30, 1900, ch. 339, § 73, 31, Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 306, 42 Stat. 118, gave the commissioner, with the approval of the governor the right to give preferences in the purchasing of lands.

Section 672, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 307, 42 Stat. 118, gave the commissioner, with the approval of the governor, the power to issue patents to churches or religious organizations.

Section 673, acts Apr. 30, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 308, 42 Stat. 118; Aug. 7, 1946, ch. 771, 60 Stat. 871; July 9, 1952, ch. 616, § 1, 66 Stat. 514; Apr. 6, 1956, ch. 185, § 1, 70 Stat. 104; Aug. 21, 1958, Pub. L. 85-718, 72 Stat. 709; Aug. 28, 1958, Pub. L. 85-803, § 2, 72 Stat. 971, created the board of public lands and set restrictions upon the sale and lease of agricultural lands and the exchange of lands.

Section 674, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56, May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 309, 42 Stat. 119, opened agricultural lands for settlement.

Section 675, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, §§ 310, 311, 42 Stat. 119, provided for the survey and opening of homestead entry agricultural lands.

Section 676, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 310, 42 Stat. 119, permitted any person under a general lease from the Territory, to continue in possession of such land after the expiration of the lease until such time as the homesteader takes actual possession thereof under any form of homestead agreement.

Section 677, acts Apr. 30, 1900, ch. 399, § 73, 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 311, 42 Stat. 119; Aug. 21, 1941, ch. 394, § 1, 55 Stat. 658; July 18, 1958, Pub. L. 85-534, § 1, 72 Stat. 379; Aug. 14, 1958, Pub. L. 85-650, § 2, 72 Stat. 606, improved the commissioner with the control, management, and disposition of public lands and included within this the making of leases by the Hawaiian Aeronautics commission.

Section 677-1, act Apr. 30, 1900, ch. 339, § 73(r), as added Aug. 1, 1956, ch. 820, § 1, 70 Stat. 785, provided for the disposition of remnants of public lands.

Section 677a, acts Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; June 12, 1940, ch. 336, § 1, 54 Stat. 345, provided for reamortization of indebtedness under homestead agreements.

Section 677b, acts Apr. 30, 1900, ch. 339, § 73 pt. as added June 12, 1940, ch. 336, § 1, 54 Stat. 346, provided for refunds on account of reamortization of homestead agreements.

Section 678, act Apr. 30, 1900, ch. 339, § 107, as added July 9, 1921, ch. 42, § 315, 42 Stat. 121, cited The Act of April 30, 1900, ch. 339, 31 Stat. 141, the "Hawaiian Organic Act".

§§ 691 to 718. Omitted

Codification

Sections 691 to 718 were omitted from the Code as obsolete.

Section 691, act July 9, 1921, ch. 42, title I, § 1, 42 Stat. 108, cited sections 691-704 and 705-716 of this title, as the "Hawaiian Homes Commission Act, 1920".

Section 692, acts July 9, 1921, ch. 42, title II, § 201, 42 Stat. 108; June 18, 1954, ch. 321, § 2, 68 Stat. 263, defined, "Commission", "public lands", "fund", "Territory", "Hawaiian home lands", "tract", "native Hawaiian" and "irrigated pastoral land" as used in the "Hawaiian Homes Commission Act, 1920".

Section 693, acts July 9, 1921, ch. 42, title II, § 202, 42 Stat. 109; July 26, 1935, ch. 420, § 1, 49 Stat. 504; May 31, 1944, ch. 216, § 1, 58 Stat. 260; July 9, 1952, ch. 618, §§ 1, 3, 66 Stat. 515, 516, established the "Hawaiian Homes Commission".

Section 694, acts July 9, 1921, ch. 42, title II, § 222, 42 Stat. 115; Nov. 26, 1941, ch. 544, § 7, 55 Stat. 787; June 14, 1948, ch. 646, § 8, 62 Stat. 394, empowered the commission to make such regulations and with the approval of the Governor, such expenditures as are necessary to the efficient execution of his office.

Section 695, act July 9, 1921, ch. 42, title II, § 222, 42 Stat. 115, required the commission to make a biennial report to the legislature of the Territory.

Section 696, act July 9, 1921, ch. 42, title II, § 222, 42 Stat. 115, directed that the executive officer and secretary give bond for the faithful performance of his duties.

Section 697, acts July 9, 1921, ch. 42, title II, § 203, 42 Stat. 109; May 16, 1934, ch. 290, § 1, 48 Stat. 777; Aug. 29, 1935, ch. 810, § 1, 49 Stat. 966; July 10, 1937, ch. 482, 50 Stat. 497; Nov. 26, 1941, ch. 544, § 1, 55 Stat. 782; May 31, 1944, ch. 216, § 2, 58 Stat. 260; June 3, 1948, ch. 384, 62 Stat. 295; June 3, 1948, ch. 397, 62 Stat. 303; July 9, 1952 ch. 614, §§ 1, 2, 66 Stat. 511, designated certain lands in the Territory as "available land".

Section 698, acts July 9, 1921, ch. 42, title II, § 204, 42 Stat. 110; Mar. 7, 1928, ch. 142, § 1, 45 Stat. 246; July 10, 1937, ch. 482, 50 Stat. 503; Feb. 20, 1954, ch. 10, § 1, 68 Stat. 116; June 18, 1954, ch. 319, § 1, 68 Stat. 262, provided that after July 9, 1921, all available lands would assume the status of Hawaiian home lands and be under the control of the Commission.

Section 699, act July 9, 1921, ch. 42, title II, § 205, 42 Stat. 110, provided for the sale or lease of available lands.

Section 700, act July 9, 1921, ch. 42, title II, § 206, 42 Stat. 110, declared that available lands were not subject to disposition by the Governor, Commissioner of Public Lands, or the Board of Public Lands.

Section 701, acts July 9, 1921, ch. 42, title II, § 207, 42 Stat. 110; Feb. 3, 1923, ch. 56, § 1, 42 Stat. 1122; May 16, 1934, ch. 290, § 2, 48 Stat. 779; July 10, 1937, ch. 482, 50 Stat. 504; May 31, 1944, ch. 216, §§ 3, 4, 58 Stat. 264; June 14, 1948, ch. 464, §§ 1, 2, 62 Stat. 390; June 18, 1954, ch. 321, § 1, 68 Stat. 263; Aug. 23, 1958, Pub. L. 85-733, 72 Stat. 822, authorized the Commission to lease lands to native Hawaiians.

Section 702, acts July 9, 1921, ch. 42, title II, § 208, 42 Stat. 111; July 10, 1937, ch. 482, 50 Stat. 504; Nov. 26, 1941, ch. 544, § 2, 55 Stat. 783; Aug. 21, 1958, Pub. L. 85-710, § 1, 72 Stat. 706, set up certain conditions to be included in the leases of lands by the Commission.

Section 703, acts July 9, 1921, ch. 42, title II, § 209, 42 Stat. 111; July 10, 1937, ch. 482, 50 Stat. 504; Nov. 26, 1941, ch. 544, § 3, 55 Stat. 783; July 9, 1952, ch. 614, § 4, 66 Stat. 514, established the rules governing the successors to lessees.

Section 704, act July 9, 1921, ch. 42, title II, § 210, 42 Stat. 111, gave the Commission the power to cancel leases.

Section 704a, acts May 16, 1934, ch. 200, § 3, 48 Stat. 779; July 9, 1952, ch. 614, § 3, 66 Stat. 513, gave a preference to residents in the leasing of lands.

Section 705, act July 9, 1921, ch. 42, title II, § 211, 42 Stat. 112, provided for community pastures adjacent to each district in which agricultural lands were leased.

Section 706, act July 9, 1921, ch. 42, title II, § 212, 42 Stat. 112, gave the Commission the power to return lands not leased to the control of the Commissioner of Public Lands.

Section 707, acts July 9, 1921, ch. 42, title II, § 213, 42 Stat. 112; Feb. 3, 1923, ch. 56, § 2, 42 Stat. 1222; Mar. 7, 1928, ch. 142, § 2, 45 Stat. 246; Nov. 26, 1941, ch. 544, § 4, 55 Stat. 784; June 14, 1948, ch. 464, § 3, 62 Stat. 390; July 9, 1952, ch. 615, §§ 1, 2, 66 Stat. 514; Aug. 21, 1958, Pub. L. 85-708, 72 Stat. 705, established in the Treasury of the Territory two revolving funds to be known as the Hawaiian home-loan fund and the Hawaiian home-operating fund, and two special funds to be known as the Hawaiian home-development fund and the Hawaiian home administration account.

Section 707a, act July 9, 1921, ch. 42, title II, § 225, as added Nov. 26, 1941, ch. 544, § 8, 55 Stat. 787, and amended June 14, 1948, ch. 464, § 9, 62 Stat. 394, gave the Commission the power to invest and reinvest any of the moneys in the loan fund.

Section 708, act July 9, 1921, ch. 42, title II, § 214, 42 Stat. 112, authorized the Commission to make loans from the fund to the lessee of any tract or the successor to his interest therein.

Section 709, acts July 9, 1921, ch. 42, title II, § 215, 42 Stat. 112; Feb. 3, 1923, ch. 56, § 3, 42 Stat. 1222; July 10, 1937, ch. 482, 50 Stat. 505; Nov. 26, 1941, ch. 544, § 5, 55 Stat. 785; June 14, 1948, ch. 464, §§ 4, 5, 62 Stat. 392; July 9, 1952, ch. 616, §§ 3, 4, 66 Stat. 514, set up conditions to be followed in contracts of loan.

Section 710, acts July 9, 1921, ch. 42, title II, § 216, 42 Stat. 113; July 10, 1937, ch. 482, 50 Stat. 506; June 14, 1948, ch. 464, § 6, 62 Stat. 393, gave the Commission the power to require the borrower to insure all livestock and dwellings and other permanent improvements upon his tract purchased or constructed out of any moneys loaned from the fund.

Section 711, act July 9, 1921, ch. 42, title II, § 217, 42 Stat. 113, gave the Commission the power to bring an ejectment action against the lessee or borrower for noncompliance with Commission orders.

Section 712, act July 9, 1921, ch. 42, title II, § 218, 42 Stat. 114, provided that lessees of land were not to receive loans under Territorial Farm Land.

Section 713, act July 9, 1921, ch. 42, title II, § 219, 42 Stat. 114, authorized the Commission to employ agricultural experts.

Section 714, acts July 9, 1921, ch. 42, title II, § 220, 42 Stat. 114; July 10, 1937, ch. 482, 50 Stat. 507; Nov. 26, 1941, ch. 544, § 6, 55 Stat. 786; June 14, 1948, ch. 464, § 7, 62 Stat. 393; Aug. 1, 1956, ch. 855, § 1, 70 Stat. 915, authorized the Commission to undertake development projects.

Section 715, acts July 9, 1921, ch. 42, title II, § 221, 42 Stat. 114; Aug. 1, 1956, ch. 855, §§ 2, 3, 70 Stat. 915, defined "water license" and "surplus water", subjected water licenses issued after July 9, 1921, to the Commission and authorized the Commission to use free of all charge, Government-owned water.

Section 715a, act July 9, 1921, ch. 42 title II, § 224, as added July 26, 1935, ch. 420, § 2, 49 Stat. 505, authorized the Secretary of Interior to designate a sanitation and reclamation expert.

Section 716, act July 9, 1921, ch. 42 title II, § 223, 42 Stat. 115, reserved the right in Congress, to alter, amend, or repeal the provisions of sections 691 to 704 and 705 to 716 of this title.

Section 717, act July 9, 1921, ch. 42, § 401, 42 Stat. 121, related to acts repealed.

Section 718, act July 9, 1921, ch. 42, § 402, 42 Stat. 121, related to savings provisions.

§§ 721 to 723. Omitted

CODIFICATION

Section 721, acts July 18, 1950, ch. 466, title I, § 101, 64 Stat. 344; Aug. 11, 1955, ch. 783, title I, § 107(3), (7), (9), 69 Stat. 637, 638, which authorized the Hawaiian government to udnertake slum clearance and urban redevelopment and renewal projects, was omitted from the Code as obsolete.

Section 721a, acts July 18, 1950, ch. 466, title I, § 102, 64 Stat. 344; Aug. 11, 1955, ch. 783, title I, § 107(3), 69 Stat. 637, which authorized the government of Hawaii to assist slum clearance and urban redevelopment projects through cash donations, loans conveyances of real and personal property, facilities and services, was omitted from the Code as obsolete.

Section 721b, act July 18, 1950, ch. 466, title I, § 103, 64 Stat. 345, which ratified all legislation enacted by the Legislature of the Territory of Hawaii dealing with the subject matter of sections 721 to 722 of this title, was omitted from the Code as obsolete.

Section 722, acts July 10, 1937, ch. 484, 50 Stat. 508; July 18, 1950, title II, § 202(a), 64 Stat. 345, which gave the Legislature of the Territory of Hawaii the power to create public corporate authorities to engage in slum clearance, or housing undertaking, was omitted from the Code as obsolete.

Section 723, acts June 27, 1934, ch. 847, § 214, as added Apr. 23, 1949, ch. 89, § 2(a), 63 Stat. 57, and amended July 14, 1952, ch. 723, § 10(a)(3), 66 Stat. 603, June 30, 1953, ch. 170, § 25(a)(c), 67 Stat. 128, 129, which gave the Commission the power to prescribe conditions and limitations of mortgage insurance or housing projects or property, was omitted from the Code as obsolete.

§ 724. Repealed. Aug. 2, 1954, ch. 649, title II, § 205, 68 Stat. 622

Section, acts Apr. 23, 1949, ch. 89, § 2(b), 63 Stat. 58; June 30, 1953, ch. 170, § 25(b), 67 Stat. 128, related to purchase of insured mortgage loans by the Federal National Mortgage Association, with respect to property in Hawaii.

CHAPTER 4—PUERTO RICO

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SUBCHAPTER I—GENERAL PROVISIONS

§ 731. Territory included under name Puerto Rico

The provisions of this chapter shall apply to the island of Puerto Rico and to the adjacent islands belonging to the United States and waters of those islands; and the name Puerto Rico, as used in this chapter, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.

(Mar. 2, 1917, ch. 145, § 1, 39 Stat. 951; May 17, 1932, ch. 190, 47 Stat. 158.)

References in Text

This chapter, referred to in text, read in the original "this Act", meaning act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act and also popularly known as the Jones Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables volume.

Prior Provisions

Similar provisions were contained in act Apr. 12, 1900, ch. 191, 31 Stat. 77, which is popularly known as the "Foraker Act".

Section 1 of act Apr. 12, 1900, was similar to this section, except that it described the adjacent islands and waters of those islands as those lying east of the seventy-fourth meridian of longitude west of Greenwich, which were ceded to the United States by the Government of Spain by the treaty of Dec. 10, 1898, 30 Stat. 1754.

Change of Name

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

SHORT TITLE

Act July 3, 1950, ch. 446, § 4, 64 Stat. 319, provided, in part, that the act of Mar. 2, 1917, ch. 145, 39 Stat. 951, which enacted this chapter, section 1019 of this title, section 46 of Title 2, The Congress, and section 358 of Title 8, Aliens and Nationality, and amended sections 325, 327, and 328 of former Title 39, the Postal Service, may be cited as the "Puerto Rico Federal Relations Act". The act of Mar. 2, 1917, is also popularly known as the "Jones Act".

ADMINISTRATION OF GOVERNMENT

The administration of the Government of Puerto Rico was transferred from the Bureau of Insular Affairs to the Office of Territories (formerly the Division of Territories and Island Possessions and now the Office of Territorial Affairs), in the Department of the Interior by Executive Order No. 6726, eff. May 29, 1934, eff. Mar. 2, 1935. For present government of the Commonwealth of Puerto Rico, see section 731d of this title and the Constitution of the Commonwealth of Puerto Rico set out thereunder.

UNITED STATES—PUERTO RICO COMMISSION ON THE STATUS OF PUERTO RICO

Pub. L. 88-271, Feb. 20, 1964, 78 Stat. 17, as amended by Pub. L. 89-84, July 24, 1965, 79 Stat. 261, established a United States-Puerto Rico Commission on the Status of Puerto Rico to study all factors, including but not limited to applicable laws, treaties, constitutions, and agreements having a bearing on the relationship between the United States and Puerto Rico. The Commission was required to render its report to the President of the United States, the Congress of the United States, the Governor of Puerto Rico, and the Legislative Assembly of Puerto Rico not later than Sept. 30, 1966.

§ 731a. Omitted

CODIFICATION

Section, act May 17, 1932, ch. 190, 47 Stat. 158, changed the name of Porto Rico to Puerto Rico and has been omitted from the Code as executed.

§ 731b. Organization of a government pursuant to a constitution

Fully recognizing the principle of government by consent, sections 731b to 731e of this title are now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption.

(July 3, 1950, ch. 446, § 1, 64 Stat. 319.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

REPEALS

Section 6 of act July 3, 1950 provided that: "All laws or parts of laws inconsistent with this Act [enacting sections 731b to 731e of this title] are hereby repealed."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 731c, 731d of this title.

§ 731c. Submission of sections 731b to 731e of this title to people of Puerto Rico for referendum; convening of constitutional convention; requisites of constitution

Sections 731b to 731e of this title shall be submitted to the qualified voters of Puerto Rico for acceptance or rejection through an island-wide referendum to be held in accordance with the laws of Puerto Rico. Upon the approval of said sections, by a majority of the voters participating in such referendum, the Legislature of Puerto Rico is authorized to call a constitutional convention to draft a constitution for the said island of Puerto Rico. The said constitution shall provide a republican form of government and shall include a bill of rights.

(July 3, 1950, ch. 446, § 2, 64 Stat. 319.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CONSTITUTIONAL CONVENTION

A constitutional convention to draft a constitution for the island of Puerto Rico convened in San Juan on Sept. 17, 1951, and concluded its deliberations on Feb. 6, 1952.

REFERENDUM

Act July 3, 1950, which enacted sections 731b to 731e of this title, was submitted to the qualified voters of Puerto Rico through an island-wide referendum held on June 4, 1951, and approved.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 731b, 731d of this title.

§ 731d. Ratification of constitution by Congress

Upon adoption of the constitution by the people of Puerto Rico, the President of the United States is authorized to transmit such constitution to the Congress of the United States if he finds that such constitution conforms with the applicable provisions of sections 731b to 731e of this title and of the Constitution of the United States.

Upon approval by the Congress the constitution shall become effective in accordance with its terms.

(July 3, 1950, ch. 446, § 3, 64 Stat. 319.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CONSTITUTION OF THE COMMONWEALTH OF PUERTO RICO

Approved by the Constitutional Convention of Puerto Rico on Feb. 6, 1952; ratified by the people of Puerto Rico on Mar. 3, 1952; amended and approved by Congress by Joint Res. July 3, 1952, ch. 567, 66 Stat. 327; proclaimed by the Governor of Puerto Rico to be in force and effect on July 25, 1952.

We, the people of Puerto Rico, in order to organize ourselves politically on a fully democratic basis, to promote the general welfare, and to secure for ourselves and our posterity the complete enjoyment of human rights, placing our trust in Almighty God, do ordain and establish this Constitution for the commonwealth which, in the exercise of our natural rights, we now create within our union with the United States of America.

In so doing, we declare:

The democratic system is fundamental to the life of the Puerto Rican community;

We understand that the democratic system of government is one in which the will of the people is the source of public power, the political order is

subordinate to the rights of man, and the free participation of the citizen in collective decisions is assured;

We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles.

ARTICLE I

THE COMMONWEALTH

SECTION 1.—The Commonwealth of Puerto Rico is hereby constituted. Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America.

SECTION 2.—The government of the Commonwealth of Puerto Rico shall be republican in form and its legislative, judicial and executive branches as established by this Constitution shall be equally subordinate to the sovereignty of the people of Puerto Rico.

SECTION 3.—The political authority of the Commonwealth of Puerto Rico shall extend to the Island of Puerto Rico and to the adjacent islands within its jurisdiction.

SECTION 4.—The seat of the government shall be the city of San Juan.

ARTICLE II

BILL OF RIGHTS

SECTION 1.—The dignity of the human being is inviolable. All men are equal before the law. No discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas. Both the laws and the system of public education shall embody these principles of essential human equality.

SECTION 2.—The laws shall guarantee the expression of the will of the people by means of equal, direct and secret universal suffrage and shall protect the citizen against any coercion in the exercise of the electoral franchise.

SECTION 3.—No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof. There shall be complete separation of church and state.

SECTION 4.—No law shall be made abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

SECTION 5.—Every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. There shall be a system of free and wholly nonsectarian public education. Instruction in the elementary and secondary schools shall be free and shall be compulsory in the elementary schools to the extent permitted by the facilities of the state. No public property or public funds shall be used for the support of schools or educational institutions other than those of the state. Nothing contained in this provision shall prevent the state from furnishing to any child noneducational services established by law for the protection or welfare of children. Compulsory attendance at elementary public schools to the extent permitted by the facilities of the state as herein provided shall not be construed as applicable to those who receive elementary education in schools established under nongovernmental auspices.

SECTION 6.—Persons may join with each other and organize freely for any lawful purpose, except in military or quasi-military organizations.

SECTION 7.—The right to life, liberty and the enjoyment of property is recognized as a fundamental right of man. The death penalty shall not exist. No person shall be deprived of his liberty or property without due process of law. No person in Puerto Rico shall be denied the equal protection of the laws. No laws impairing the obligation of contracts shall be enacted. A minimum amount of property and possessions shall be exempt from attachment as provided by law.

SECTION 8.—Every person has the right to the protection of law against abusive attacks on his honor, reputation and private or family life.

SECTION 9.—Private property shall not be taken or damaged for public use except upon payment of just compensation and in the manner provided by law. No law shall be enacted authorizing condemnation of printing presses, machinery or material devoted to publications of any kind. The buildings in which these objects are located may be condemned only after a judicial finding of public convenience and necessity pursuant to procedure that shall be provided by law, and may be taken before such a judicial finding only when there is placed at the disposition of the publication an adequate site in which it can be installed and continue to operate for a reasonable time.

SECTION 10.—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated.

Wire-tapping is prohibited.

No warrant for arrest or search and seizure shall issue except by judicial authority and only upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the persons to be arrested or the things to be seized.

Evidence obtained in violation of this section shall be inadmissible in the courts.

SECTION 11.—In all criminal prosecutions, the accused shall enjoy the right to have a speedy and public trial, to be informed of the nature and cause of the accusation and to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, to have assistance of counsel, and to be presumed innocent.

In all prosecutions for a felony the accused shall have the right of trial by an impartial jury composed of twelve residents of the district, who may render their verdict by a majority vote which in no case may be less than nine.

No person shall be compelled in any criminal case to be a witness against himself and the failure of the accused to testify may be neither taken into consideration nor commented upon against him.

No person shall be twice put in jeopardy of punishment for the same offense.

Before conviction every accused shall be entitled to be admitted to bail.

Incarceration prior to trial shall not exceed six months nor shall bail or fines be excessive. No person shall be imprisoned for debt.

SECTION 12.—Neither slavery nor involuntary servitude shall exist except in the latter case as a punishment for crime after the accused has been duly convicted. Cruel and unusual punishments shall not be inflicted. Suspension of civil rights including the right to vote shall cease upon service of the term of imprisonment imposed.

No *ex post facto* law or bill of attainder shall be passed.

SECTION 13.—The writ of *habeas corpus* shall be granted without delay and free of costs. The privilege of the writ of *habeas corpus* shall not be suspended, unless the public safety requires it in case of rebellion, insurrection or invasion. Only the Legislative Assembly shall have the power to suspend the privilege of the writ of *habeas corpus* and the laws regulating its issuance.

The military authority shall always be subordinate to civil authority.

SECTION 14.—No titles of nobility or other hereditary honors shall be granted. No officer or employee of the Commonwealth shall accept gifts, donations, decorations or offices from any foreign country or officer without prior authorization by the Legislative Assembly.

SECTION 15.—The employment of children less than fourteen years of age in any occupation which is prejudicial to their health or morals or which places them in jeopardy of life or limb is prohibited.

No child less than sixteen years of age shall be kept in custody in a jail or penitentiary.

SECTION 16.—The right of every employee to choose his occupation freely and to resign therefrom is recognized, as is his right to equal pay for equal work, to a reasonable minimum salary, to protection against risks to his health or person in his work or employment, and to an ordinary workday which shall not exceed eight hours. An employee may work in excess of this daily limit only if he is paid extra compensation as provided by law, at a rate never less than one and one-half times the regular rate at which he is employed.

SECTION 17.—Persons employed by private businesses, enterprises and individual employers and by agencies or instrumentalities of the government operating as private businesses or enterprises, shall have the right to organize and to bargain collectively with their employers through representatives of their own free choosing in order to promote their welfare.

SECTION 18.—In order to assure their right to organize and to bargain collectively, persons employed by private businesses, enterprises and individual employers and by agencies or instrumentalities of the government operating as private businesses or enterprises, in their direct relations with their own employers shall have the right to strike, to picket and to engage in other legal concerted activities.

Nothing herein contained shall impair the authority of the Legislative Assembly to enact laws to deal with grave emergencies that clearly imperil the public health or safety or essential public services.

SECTION 19.—The foregoing enumeration of rights shall not be construed restrictively nor does it contemplate the exclusion of other rights not specifically mentioned which belong to the people in a democracy. The power of the Legislative Assembly to enact laws for the protection of the life, health and general welfare of the people shall likewise not be construed restrictively.

ARTICLE III

THE LEGISLATURE

SECTION 1.—The legislative power shall be vested in a Legislative Assembly, which shall consist of two houses, the Senate and the House of Representatives, whose members shall be elected by direct vote at each general election.

SECTION 2.—The Senate shall be composed of twenty-seven Senators and the House of Representatives of fifty-one Representatives, except as these numbers may be increased in accordance with the provisions of Section 7 of this Article.

SECTION 3.—For the purpose of election of members of the Legislative Assembly, Puerto Rico shall be divided into eight senatorial districts and forty representative districts. Each senatorial district shall elect two Senators and each representative district one Representative.

There shall also be eleven Senators and eleven Representatives elected at large. No elector may vote for more than one candidate for Senator at Large or for more than one candidate for Representative at Large.

SECTION 4.—In the first and subsequent elections under this Constitution the division of senatorial and representative districts as provided in Article VIII shall be in effect. After each decennial census beginning with the year 1960, said division shall be revised by a Board composed of the Chief Justice of the Supreme Court as Chairman and of two additional members appointed by the Governor with the advice and consent of the Senate. The two additional members shall not belong to the same political party. Any revision shall maintain the number of senatorial and representative districts here created, which shall be composed of contiguous and compact territory and shall be organized, insofar as practicable, upon the basis of population and means of communication. Each senatorial district shall always include five representative districts.

The decisions of the Board shall be made by majority vote and shall take effect in the general elections next following each revision. The Board shall cease to exist after the completion of each revision.

SECTION 5.—No person shall be a member of the Legislative Assembly unless he is able to read and write the Spanish or English language and unless he is a citizen of the United States and of Puerto Rico and has resided in Puerto Rico at least two years immediately prior to the date of his election or appointment. No person shall be a member of the Senate who is not over thirty years of age, and no person shall be a member of the House of Representatives who is not over twenty-five years of age.

SECTION 6.—No person shall be eligible to election or appointment as Senator or Representative for a district unless he has resided therein at least one year immediately prior to his election or appointment. When there is more than one representative district in a municipality, residence in the municipality shall satisfy this requirement.

SECTION 7.—If in a general election more than two-thirds of the members of either house are elected from one political party or from a single ticket, as both are defined by law, the number of members shall be increased in the following cases:

(a) If the party or ticket which elected more than two-thirds of the members of either or both houses shall have obtained less than two-thirds of the total number of votes cast for the office of Governor, the number of members of the Senate or of the House of Representatives or of both bodies, whichever may be the case, shall be increased by declaring elected a sufficient number of candidates of the minority party or parties to bring the total number of members of the minority party or parties to nine in the Senate and to seventeen in the House of Representatives. When there is more than one minority party, said additional members shall be declared elected from among the candidates of each minority party in the proportion that the number of votes cast for the candidate of each of said parties for the office of Governor bears to the total number of votes cast for the candidates of all the minority parties for the office of Governor.

When one or more minority parties shall have obtained representation in a proportion equal to or greater than the proportion of votes received by their respective candidates for Governor, such party or parties shall not be entitled to additional members until the representation established for each of the other minority parties under these provisions shall have been completed.

(b) If the party or ticket which elected more than two-thirds of the members of either or both houses shall have obtained more than two-thirds of the total number of votes cast for the office of Governor, and one or more minority parties shall not have elected the number of members in the Senate or in the House of Representatives or in both houses, whichever may be the case, which corresponds to the proportion of votes cast by each of them for the office of Governor, such additional number of their candidates shall be declared elected as is necessary in order to complete said proportion as nearly as possible, but the number of Senators of all the minority parties shall never, under this provision, be more than nine or that of Representatives more than seventeen.

In order to select additional members of the Legislative Assembly from a minority party in accordance with these provisions, its candidates at large who have not been elected shall be the first to be declared elected in the order of the votes that they have obtained

and thereafter its district candidates who, not having been elected, have obtained in their respective districts the highest proportion of the total number of votes cast as compared to the proportion of votes cast in favor of other candidates of the same party not elected to an equal office in the other districts.

The additional Senators and Representatives whose election is declared under this section shall be considered for all purposes as Senators at Large or Representatives at Large.

The measures necessary to implement these guarantees, the method of adjudicating fractions that may result from the application of the rules contained in this section, and the minimum number of votes that a minority party must cast in favor of its candidate for Governor in order to have the right to the representation provided herein shall be determined by the Legislative Assembly.

SECTION 8.—The term of office of Senators and Representative shall begin on the second day of January immediately following the date of the general election in which they shall have been elected. If, prior to the fifteen months immediately preceding the date of the next general election, a vacancy occurs in the office of Senator or Representative for a district, the Governor shall call a special election in said district within thirty days following the date on which the vacancy occurs. This election shall be held not later than ninety days after the call, and the person elected shall hold office for the rest of the unexpired term of his predecessor. When said vacancy occurs during a legislative session, or when the Legislative Assembly or the Senate has been called for a date prior to the certification of the results of the special election, the presiding officer of the appropriate house shall fill said vacancy by appointing the person recommended by the central committee of the political party of which his predecessor in office was a member. Such person shall hold the office until certification of the election of the candidate who was elected. When the vacancy occurs within fifteen months prior to a general election, or when it occurs in the office of a Senator at Large or a Representative at Large, the presiding officer of the appropriate house shall fill it, upon the recommendation of the political party of which the previous holder of the office was a member, by appointing a person selected in the same manner as that in which his predecessor was selected. A vacancy in the office of a Senator at Large or a Representative at Large elected as an independent candidate shall be filled by an election in all districts.

SECTION 9.—Each house shall be the sole judge of the election, returns and qualifications of its members; shall choose its own officers; shall adopt rules for its own proceedings appropriate to legislative bodies; and, with the concurrence of three-fourths of the total number of members of which it is composed, may expel any member for the causes established in Section 21 of this Article, authorizing impeachments. The Senate shall elect a President and the House of Representatives a Speaker from among their respective members.

SECTION 10.—The Legislative Assembly shall be deemed a continuous body during the term for which its members are elected and shall meet in regular session each year commencing on the second Monday in January. The duration of regular sessions and the periods of time for introduction and consideration of bills shall be prescribed by law. When the Governor calls the Legislative Assembly into special session it may consider only those matters specified in the call or in any special message sent to it by him during the session. No special session shall continue longer than twenty calendar days.

SECTION 11.—The sessions of each house shall be open.

SECTION 12.—A majority of the total number of members of which each house is composed shall constitute a quorum, but a smaller number may adjourn from day to day and shall have authority to compel the attendance of absent members.

SECTION 13.—The two houses shall meet in the Capitol of Puerto Rico and neither of them may adjourn for more than three consecutive days without the consent of the other.

SECTION 14.—No member of the Legislative Assembly shall be arrested while the house of which he is a member is in session, or during the fifteen days before or after such session, except for treason, felony or breach of the peace. The members of the Legislative Assembly shall not be questioned in any other place for any speech, debate or vote in either house or in any committee.

SECTION 15.—No Senator or Representative may, during the term for which he was elected or chosen, be appointed to any civil office in the Government of Puerto Rico, its municipalities or instrumentalities, which shall have been created or the salary of which shall have been increased during said term. No person may hold office in the Government of Puerto Rico, its municipalities or instrumentalities and be a Senator or Representative at the same time. These provisions shall not prevent a member of the Legislative Assembly from being designated to perform functions *ad honorem*.

SECTION 16.—The Legislative Assembly shall have the power to create, consolidate or reorganize executive departments and to define their functions.

SECTION 17.—No bill shall become a law unless it has been printed, read, referred to a committee and returned therefrom with a written report, but either house may discharge a committee from the study and report of any bill and proceed to the consideration thereof. Each house shall keep a journal of its proceedings and of the votes cast for and against bills. The legislative proceedings shall be published in a daily record in the form determined by law. Every bill, except general appropriation bills, shall be confined to one subject, which shall be clearly expressed in its title, and any part of an act whose subject has not been expressed in the title shall be void. The general appropriation act shall contain only appropriations and rules for their disbursement. No bill shall be amended in a manner that changes its original purpose or incorporates matters extraneous to it. In amending any article or section of a law, said article or section shall be promulgated in its entirety as amended. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

SECTION 18.—The subjects which may be dealt with by means of joint resolution shall be determined by law, but every joint resolution shall follow the same legislative process as that of a bill.

SECTION 19.—Every bill which is approved by a majority of the total number of members of which each house is composed shall be submitted to the Governor and shall become law if he signs it or if he does not return it, with his objections, to the house in which it originated within ten days (Sundays excepted) counting from the date on which he shall have received it.

When the Governor returns a bill, the house that receives it shall enter his objections on its journal and both houses may reconsider it. If approved by two-thirds of the total number of members of which each house is composed, said bill shall become law.

If the Legislative Assembly adjourns *sine die* before the Governor has acted on a bill that has been presented to him less than ten days before, he is relieved of the obligation of returning it with his objections and the bill shall become law only if the Governor signs it within thirty days after receiving it.

Every final passage or reconsideration of a bill shall be by a roll-call vote.

SECTION 20.—In approving any appropriation bill that contains more than one item, the Governor may eliminate one or more of such items or reduce their amounts, at the same time reducing the total amounts involved.

SECTION 21.—The House of Representatives shall have exclusive power to initiate impeachment proceedings and, with the concurrence of two-thirds of the

total number of members of which it is composed, to bring an indictment. The Senate shall have exclusive power to try and to decide impeachment cases, and in meeting for such purposes the Senators shall act in the name of the people and under oath or affirmation. No judgment of conviction in an impeachment trial shall be pronounced without the concurrence of three-fourths of the total number of members of which the Senate is composed, and the judgment shall be limited to removal from office. The person impeached, however, may be liable and subject to indictment, trial, judgment and punishment according to law. The causes of impeachment shall be treason, bribery, other felonies, and misdemeanors involving moral turpitude. The Chief Justice of the Supreme Court shall preside at the impeachment trial of the Governor.

The two houses may conduct impeachment proceedings in their regular or special sessions. The presiding officers of the two houses, upon written request of two-thirds of the total number of members of which the House of Representatives is composed, must convene them to deal with such proceedings.

SECTION 22.—The Governor shall appoint a Controller with the advice and consent of a majority of the total number of members of which each house is composed. The Controller shall meet the requirements prescribed by law and shall hold office for a term of ten years and until his successor has been appointed and qualifies. The Controller shall audit all the revenues, accounts and expenditures of the Commonwealth, of its agencies and instrumentalities and of its municipalities, in order to determine whether they have been made in accordance with law. He shall render annual reports and any special reports that may be required of him by the Legislative Assembly or by the Governor.

In the performance of his duties the Controller shall be authorized to administer oaths, take evidence and compel, under pain of contempt, the attendance of witnesses and the production of books, letters, documents, papers, records and all other articles deemed essential to a full understanding of the matter under investigation.

The Controller may be removed for the causes and pursuant to the procedure established in the preceding section.

ARTICLE IV

THE EXECUTIVE

SECTION 1.—The executive power shall be vested in a Governor, who shall be elected by direct vote in each general election.

SECTION 2.—The Governor shall hold office for the term of four years from the second day of January of the year following his election and until his successor has been elected and qualifies. He shall reside in Puerto Rico and maintain his office in its capital city.

SECTION 3.—No person shall be Governor unless, on the date of the election, he is at least thirty-five years of age, and is and has been during the preceding five years a citizen of the United States and a citizen and *bona fide* resident of Puerto Rico.

SECTION 4.—The Governor shall execute the laws and cause them to be executed.

He shall call the Legislative Assembly or the Senate into special session when in his judgment the public interest so requires.

He shall appoint, in the manner prescribed by this Constitution or by law, all officers whose appointment he is authorized to make. He shall have the power to make appointments while the Legislative Assembly is not in session. Any such appointments that require the advice and consent of the Senate or of both houses shall expire at the end of the next regular session.

He shall be the commander-in-chief of the militia.

He shall have the power to call out the militia and summon the *posse comitatus* in order to prevent or suppress rebellion, invasion or any serious disturbance of the public peace.

He shall have the power to proclaim martial law when the public safety requires it in case of rebellion or invasion or imminent danger thereof. The Legislative Assembly shall meet forthwith on their own initiative to ratify or revoke the proclamation.

He shall have the power to suspend the execution of sentences in criminal cases and to grant pardons, commutations of punishment, and total or partial remissions of fines and forfeitures for crimes committed in violation of the laws of Puerto Rico. This power shall not extend to cases of impeachment.

He shall approve or disapprove in accordance with this Constitution the joint resolutions and bills passed by the Legislative Assembly.

He shall present to the Legislative Assembly, at the beginning of each regular session, a message concerning the affairs of the Commonwealth and a report concerning the state of the Treasury of Puerto Rico and the proposed expenditures for the ensuing fiscal year. Said report shall contain the information necessary for the formulation of a program of legislation.

He shall exercise the other powers and functions and discharge the other duties assigned to him by this Constitution or by law.

SECTION 5.—For the purpose of exercising executive power, the Governor shall be assisted by Secretaries whom he shall appoint with the advice and consent of the Senate. The appointment of the Secretary of State shall in addition require the advice and consent of the House of Representatives, and the person appointed shall fulfill the requirements established in Section 3 of this Article. The Secretaries shall collectively constitute the Governor's advisory council, which shall be designated as the Council of Secretaries.

SECTION 6.—Without prejudice to the power of the Legislative Assembly to create, reorganize and consolidate executive departments and to define their functions, the following departments are hereby established: State, Justice, Education, Health, Treasury, Labor, Agriculture and Commerce, and Public Works. Each of these executive departments shall be headed by a Secretary.

SECTION 7.—When a vacancy occurs in the office of Governor, caused by death, resignation, removal, total and permanent incapacity, or any other absolute disability, said office shall devolve upon the Secretary of State, who shall hold it for the rest of the term and until a new Governor has been elected and qualifies. In the event that vacancies exist at the same time in both the office of Governor and that of Secretary of State, the law shall provide which of the Secretaries shall serve as Governor.

SECTION 8.—When for any reason the Governor is temporarily unable to perform his functions, the Secretary of State shall substitute for him during the period he is unable to serve. If for any reason the Secretary of State is not available, the Secretary determined by law shall temporarily hold the office of Governor.

SECTION 9.—If the Governor-elect shall not have qualified, or if he has qualified and a permanent vacancy occurs in the office of Governor before he shall have appointed a Secretary of State, or before said Secretary, having been appointed, shall have qualified, the Legislative Assembly just elected, upon convening for its first regular session, shall elect, by a majority of the total number of members of which each house is composed, a Governor who shall hold office until his successor is elected in the next general election and qualifies.

SECTION 10.—The Governor may be removed for the causes and pursuant to the procedure established in Section 21 of Article III of this Constitution.

ARTICLE V

THE JUDICIARY

SECTION 1.—The judicial power of Puerto Rico shall be vested in a Supreme Court, and in such other courts as may be established by law.

SECTION 2.—The courts of Puerto Rico shall constitute a unified judicial system for purposes of jurisdiction, operation and administration. The Legislative Assembly may create and abolish courts, except for the Supreme Court, in a manner not inconsistent with this Constitution, and shall determine the venue and organization of the courts.

SECTION 3.—The Supreme Court shall be the court of last resort in Puerto Rico and shall be composed of a Chief Justice and four Associate Justices. The number of Justices may be changed only by law upon request of the Supreme Court.

SECTION 4.—The Supreme Court shall sit, in accordance with rules adopted by it, as a full court or in divisions. All the decisions of the Supreme Court shall be concurred in by a majority of its members. No law shall be held unconstitutional except by a majority of the total number of Justices of which the Court is composed in accordance with this Constitution or with law.

SECTION 5.—The Supreme Court, any of its divisions, or any of its Justices may hear in the first instance petitions for *habeas corpus* and any other causes and proceedings as determined by law.

SECTION 6.—The Supreme Court shall adopt for the courts rules of evidence and of civil and criminal procedure which shall not abridge, enlarge or modify the substantive rights of the parties. The rules thus adopted shall be submitted to the Legislative Assembly at the beginning of its next regular session and shall not go into effect until sixty days after the close of said session, unless disapproved by the Legislative Assembly, which shall have the power both at said session and subsequently to amend, repeal or supplement any of said rules by a specific law to that effect.

SECTION 7.—The Supreme Court shall adopt rules for the administration of the courts. These rules shall be subject to the laws concerning procurement, personnel, audit and appropriation of funds, and other laws which apply generally to all branches of the government. The Chief Justice shall direct the administration of the courts and shall appoint an administrative director who shall hold office at the will of the Chief Justice.

SECTION 8.—Judges shall be appointed by the Governor with the advice and consent of the Senate. Justices of the Supreme Court shall not assume office until after confirmation by the Senate and shall hold their offices during good behavior. The terms of office of the other judges shall be fixed by law and shall not be less than that fixed for the term of office of a judge of the same or equivalent category existing when this Constitution takes effect. The other officials and employees of the courts shall be appointed in the manner provided by law.

SECTION 9.—No person shall be appointed a Justice of the Supreme Court unless he is a citizen of the United States and of Puerto Rico, shall have been admitted to the practice of law in Puerto Rico at least ten years prior to his appointment, and shall have resided in Puerto Rico at least five years immediately prior thereto.

SECTION 10.—The Legislative Assembly shall establish a retirement system for judges. Retirement shall be compulsory at the age of seventy years.

SECTION 11.—Justices of the Supreme Court may be removed for the causes and pursuant to the procedure established in Section 21 of Article III of this Constitution. Judges of the other courts may be removed by the Supreme Court for the causes and pursuant to the procedure provided by law.

SECTION 12.—No judge shall make a direct or indirect financial contribution to any political organization or party, or hold any executive office therein, or participate in a political campaign of any kind, or be a candidate for an elective public office unless he has resigned his judicial office at least six months prior to his nomination.

SECTION 13.—In the event that a court or any of its divisions or sections is changed or abolished by law, the person holding a post of judge therein shall continue to hold it during the rest of the term for which he was appointed and shall perform the judicial functions assigned to him by the Chief Justice of the Supreme Court.

ARTICLE VI

GENERAL PROVISIONS

SECTION 1.—The Legislative Assembly shall have the power to create, abolish, consolidate and reorganize municipalities; to change their territorial limits; to determine their organization and functions; and to authorize them to develop programs for the general welfare and to create any agencies necessary for that purpose.

No law abolishing or consolidating municipalities shall take effect until ratified in a referendum by a majority of the qualified electors voting in said referendum in each of the municipalities to be abolished or consolidated. The referendum shall be conducted in the manner determined by law, which shall include the applicable procedures of the election laws in effect when the referendum law is approved.

SECTION 2.—The power of the Commonwealth of Puerto Rico to impose and collect taxes and to authorize their imposition and collection by municipalities shall be exercised as determined by the Legislative Assembly and shall never be surrendered or suspended. The power of the Commonwealth of Puerto Rico to contract and to authorize the contracting of debts shall be exercised as determined by the Legislative Assembly.

SECTION 3.—The rule of taxation in Puerto Rico shall be uniform.

SECTION 4.—General elections shall be held every four years on the day of November determined by the Legislative Assembly. In said elections there shall be elected a Governor, the members of the Legislative Assembly, and the other officials whose election on that date is provided for by law.

Every person over twenty-one years of age shall be entitled to vote if he fulfills the other conditions determined by law. No person shall be deprived of the right to vote because he does not know how to read or write or does not own property.

All matters concerning the electoral process, registration of voters, political parties and candidates shall be determined by law.

Every popularly elected official shall be elected by direct vote and any candidate who receives more votes than any other candidate for the same office shall be declared elected.

SECTION 5.—The laws shall be promulgated in accordance with the procedure prescribed by law and shall specify the terms under which they shall take effect.

SECTION 6.—If at the end of any fiscal year the appropriations necessary for the ordinary operating expenses of the government and for the payment of interest on and amortization of the public debt for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation acts for the objects and purposes therein specified, so far as the same may be applicable, shall continue in effect item by item, and the Governor shall authorize the payments necessary for such purposes until corresponding appropriations are made.

SECTION 7.—The appropriations made for any fiscal year shall not exceed the total revenues, including available surplus, estimated for said fiscal year unless the imposition of taxes sufficient to cover said appropriations is provided by law.

SECTION 8.—In case the available revenues including surplus for any fiscal year are insufficient to meet the appropriations made for that year, interest on the public debt and amortization thereof shall first be paid, and other disbursements shall thereafter be made in accordance with the order of priorities established by law.

SECTION 9.—Public property and funds shall only be disposed of for public purposes, for the support and operation of state institutions, and pursuant to law.

SECTION 10.—No law shall give extra compensation to any public officer, employee, agent or contractor after services shall have been rendered or contract made. No law shall extend the term of any public officer or diminish his salary or emoluments after his election or appointment. No person shall draw a salary for more than one office or position in the government of Puerto Rico.

SECTION 11.—The salaries of the Governor, the Secretaries, the members of the Legislative Assembly, the Controller and Judges shall be fixed by a special law and, except for the salaries of the members of the Legislative Assembly, shall not be decreased during the terms for which they are elected or appointed. The salaries of the Governor and the Controller shall not be increased during said terms. No increase in the salaries of the members of the Legislative Assembly shall take effect until after the expiration of the term of the Legislative Assembly during which it is enacted. Any reduction of the salaries of the members of the Legislative Assembly shall be effective only during the term of the Legislative Assembly which approves it.

SECTION 12.—The Governor shall occupy and use, free of rent, the buildings and properties belonging to the Commonwealth which have been or shall hereafter be used and occupied by him as chief executive.

SECTION 13.—The procedure for granting franchises, rights, privileges and concessions of a public or quasi-public nature shall be determined by law, but every concession of this kind to a person or private entity must be approved by the Governor or by the executive official whom he designates. Every franchise, right, privilege or concession of a public or quasi-public nature shall be subject to amendment, alteration or repeal as determined by law.

SECTION 14.—No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture.

Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title.

Corporations not organized in Puerto Rico, but doing business in Puerto Rico, shall be bound by the provisions of this section so far as they are applicable.

These provisions shall not prevent the ownership, possession or management of lands in excess of five hundred acres by the Commonwealth, its agencies or instrumentalities.

SECTION 15.—The Legislative Assembly shall determine all matters concerning the flag, the seal and the anthem of the Commonwealth. Once determined, no law changing them shall take effect until one year after the general election next following the date of enactment of said law.

SECTION 16.—All public officials and employees of the Commonwealth, its agencies, instrumentalities and political subdivisions, before entering upon their respective duties, shall take an oath to support the Constitution of the United States and the Constitution and laws of the Commonwealth of Puerto Rico.

SECTION 17.—In case of invasion, rebellion, epidemic or any other event giving rise to a state of emergency, the Governor may call the Legislative Assembly to meet in a place other than the Capitol of Puerto Rico, subject to the approval or disapproval of the Legislative Assembly. Under the same conditions, the Governor may, during the period of emergency, order the government, its agencies and instrumentalities to be moved temporarily to a place other than the seat of the government.

SECTION 18.—All criminal actions in the courts of the Commonwealth shall be conducted in the name and by the authority of "The People of Puerto Rico" until otherwise provided by law.

SECTION 19.—It shall be the public policy of the Commonwealth to conserve, develop and use its natural resources in the most effective manner possible for the general welfare of the community; to conserve and maintain buildings and places declared by the Legislative Assembly to be of historic or artistic value; to regulate its penal institutions in a manner that effectively achieves their purposes and to provide, within the limits of available resources, for adequate treatment of delinquents in order to make possible their moral and social rehabilitation.

ARTICLE VII

AMENDMENTS TO THE CONSTITUTION

SECTION 1.—The Legislative Assembly may propose amendments to this Constitution by a concurrent resolution approved by not less than two-thirds of the total number of members of which each house is composed. All proposed amendments shall be submitted to the qualified electors in a special referendum, but if the concurrent resolution is approved by not less than three-fourths of the total number of members of which each house is composed, the Legislative Assembly may provide that the referendum shall be held at the same time as the next general election. Each proposed amendment shall be voted on separately and not more than three proposed amendments may be submitted at the same referendum. Every proposed amendment shall specify the terms under which it shall take effect, and it shall become a part of this Constitution if it is ratified by a majority of the electors voting thereon. Once approved, a proposed amendment must be published at least three months prior to the date of the referendum.

SECTION 2.—The Legislative Assembly, by a concurrent resolution approved by two-thirds of the total number of members of which each house is composed, may submit to the qualified electors at a referendum, held at the same time as a general election, the question of whether a constitutional convention shall be called to revise this Constitution. If a majority of the electors voting on this question vote in favor of the revision, it shall be made by a Constitutional Convention elected in the manner provided by law. Every revision of this Constitution shall be submitted to the qualified electors at a special referendum for ratification or rejection by a majority of the votes cast at the referendum.

SECTION 3.—No amendment to this Constitution shall alter the republican form of government established by it or abolish its bill of rights. Any amendment or revision of this Constitution shall be consistent with the resolution enacted by the Congress of the United States approving this Constitution, with the applicable provisions of the Constitution of the United States, with the Puerto Rican Federal Relations Act, and with Public Law 600, Eighty-first Congress, adopted in the nature of a compact.

ARTICLE VIII

SENATORIAL AND REPRESENTATIVE DISTRICTS

SECTION 1.—The senatorial and representative districts shall be the following:

I.—SENATORIAL DISTRICT OF SAN JUAN, which shall be composed of the following Representative Districts: 1.—The Capital of Puerto Rico, excluding the present electoral precincts of Santurce and Río Piedras; 2.—Electoral zones numbers 1 and 2 of the present precinct of Santurce; 3.—Electoral zone number 3 of the present precinct of Santurce; 4.—Electoral zone number 4 of the present precinct of Santurce; and 5.—Wards Hato Rey, Puerto Nuevo and Caparra Heights of the Capital of Puerto Rico.

II.—SENATORIAL DISTRICT OF BAYAMÓN, which shall be composed of the following Representative Districts:

6.—The municipality of Bayamón; 7.—The municipalities of Carolina and Trujillo Alto; 8.—The present electoral precinct of Río Piedras, excluding wards Hato Rey, Puerto Nuevo and Caparra Heights of the Capital of Puerto Rico; 9.—The municipalities of Cataño, Guaynabo and Toa Baja; and 10.—The municipalities of Toa Alta, Corozal and Naranjito.

III.—SENATORIAL DISTRICT OF ARECIBO, which shall be composed of the following Representative Districts: 11.—The municipalities of Vega Baja, Vega Alta and Dorado; 12.—The municipalities of Manatí and Barceloneta; 13.—The municipalities of Ciales and Morovis; 14.—The municipality of Arecibo; and 15.—The municipality of Utuado.

IV.—SENATORIAL DISTRICT OF AGUADILLA, which shall be composed of the following Representative Districts: 16.—The municipalities of Camuy, Hatillo and Quebradillas; 17.—The municipalities of Aguadilla and Isabela; 18.—The municipalities of San Sebastián and Moca; 19.—The municipalities of Lares, Las Marías and Maricao; and 20.—The municipalities of Añasco, Aguada and Rincón.

V.—SENATORIAL DISTRICT OF MAYAGÜEZ, which shall be composed of the following Representative Districts: 21.—The municipality of Mayagüez; 22.—The municipalities of Cabo Rojo, Hormigueros and Lajas; 23.—The municipalities of San Germán and Sábana Grande; 24.—The municipalities of Yauco and Guánica; and 25.—The municipalities of Guayanilla and Peñuelas.

VI.—SENATORIAL DISTRICT OF PONCE, which shall be composed of the following Representative Districts: 26.—The first, second, third, fourth, fifth and sixth wards and the City Beach of the municipality of Ponce; 27.—The municipality of Ponce, except for the first, second, third, fourth, fifth and sixth wards and the City Beach; 28.—The municipalities of Adjuntas and Jayuya; 29.—The municipalities of Juana Díaz, Santa Isabel and Villalba; and 30.—The municipalities of Ctamo and Orocovis.

VII.—SENATORIAL DISTRICT OF GUAYAMA, which shall be composed of the following Representative Districts: 31.—The municipalities of Aibonito, Barranquitas and Comerío; 32.—The municipalities of Cayey and Cidra; 33.—The municipalities of Caguas and Aguas Buenas; 34.—The municipalities of Guayama and Salinas; and 35.—The municipalities of Patillas, Maunabo and Arroyo.

VIII.—SENATORIAL DISTRICT OF HUMACAO, which shall be composed of the following Representative Districts: 36.—The municipalities of Humacao and Yabucoa; 37.—The municipalities of Juncos, Gurabo and San Lorenzo; 38.—The municipalities of Naguabo, Ceiba and Las Piedras; 39.—The municipalities of Fajardo and Vieques and the Island of Culebra; and 40.—The municipalities of Río Grande, Loíza and Luquillo.

SECTION 2.—Electoral zones numbers 1, 2, 3 and 4 included in three representative districts within the senatorial district of San Juan are those presently existing for purposes of electoral organization in the second precinct of San Juan.

ARTICLE IX

TRANSITORY PROVISIONS

SECTION 1.—When this Constitution goes into effect all laws not inconsistent therewith shall continue in full force until amended or repealed, or until they expire by their own terms.

Unless otherwise provided by this Constitution, civil and criminal liabilities, rights, franchises, concessions, privileges, claims, actions, causes of action, contracts, and civil, criminal and administrative proceedings shall continue unaffected, notwithstanding the taking effect of this Constitution.

SECTION 2.—All officers who are in office by election or appointment on the date this Constitution takes effect shall continue to hold their offices and to perform the functions thereof in a manner not inconsistent with this Constitution, unless the functions of their offices are abolished or until their successors are selected and qualify in accordance with this Constitution and laws enacted pursuant thereto.

SECTION 3.—Notwithstanding the age limit fixed by this Constitution for compulsory retirement, all the judges of the courts of Puerto Rico who are holding office on the date this Constitution takes effect shall continue to hold their judicial offices until the expiration of the terms for which they were appointed, and in the case of Justices of the Supreme Court during good behavior.

SECTION 4.—The Commonwealth of Puerto Rico shall be the successor of the People of Puerto Rico for all purposes, including without limitation the collection and payment of debts and liabilities in accordance with their terms.

SECTION 5.—When this Constitution goes into effect, the term "citizen of the Commonwealth of Puerto Rico" shall replace the term "citizen of Puerto Rico" as previously used.

SECTION 6.—Political parties shall continue to enjoy all rights recognized by the election law, provided that on the effective date of this Constitution they fulfill the minimum requirements for the registration of new parties contained in said law. Five years after this Constitution shall have taken effect the Legislative Assembly may change these requirements, but any law increasing them shall not go into effect until after the general election next following its enactment.

SECTION 7.—The Legislative Assembly may enact the laws necessary to supplement and make effective these transitory provisions in order to assure the functioning of the government until the officers provided for by this Constitution are elected or appointed and qualify, and until this Constitution takes effect in all respects.

SECTION 8.—If the Legislative Assembly creates a Department of Commerce, the Department of Agriculture and Commerce shall thereafter be called the Department of Agriculture.

SECTION 9.—The first election under the provisions of this Constitution shall be held on the date provided by law, but not later than six months after the effective date of this Constitution. The second general election under this Constitution shall be held in the month of November 1956 on a day provided by law.

SECTION 10.—This Constitution shall take effect when the Governor so proclaims, but not later than sixty days after its ratification by the Congress of the United States.

Done in Convention, at San Juan, Puerto Rico, on the sixth day of February, in the year of Our Lord one thousand nine hundred and fifty-two.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 731b, 731c of this title.

§ 731e. Sections continued in force and effect

This chapter is continued in force and effect.

(July 3, 1950, ch. 446, § 4, 64 Stat. 319.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original, "the Act entitled 'An Act to provide a civil government for Porto Rico, and for other purposes,' approved March 2, 1917, as amended", meaning act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act and also popularly known as the Jones Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 731 of this title and Tables volume.

CODIFICATION

Section was not enacted as part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 731b, 731c, 731d of this title.

§ 732. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section, acts Mar. 2, 1917, ch. 145, § 4, 39 Stat. 953; May 17, 1932, ch. 190, 47 Stat. 158, designated San Juan as the capital of Puerto Rico. Subject matter is now covered by Art. I, § 4, of the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Section 5(2) of act July 3, 1950, provided that the repeal of section 732 of this title was to be effective at such time as the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title, became effective. Under section 731d of this title, that Constitution, upon approval by the Congress of the United States, "shall become effective in accordance with its terms". Congress, by act July 3, 1952, ch. 567, 66 Stat. 327, approved, with certain conditions, that Constitution; the approving act further provided that the Constitution, as so approved, "shall become effective when the Constitutional Convention of Puerto Rico shall have declared in a formal resolution its acceptance in the name of Puerto Rico of the conditions of approval herein contained, and when the Governor of Puerto Rico, being duly notified by the proper officials of the Constitutional Convention of Puerto Rico that such resolution of acceptance has been formally adopted, shall issue a proclamation to that effect". The Constitution was proclaimed by the Governor of Puerto Rico on July 25, 1952 and became effective on that date.

§ 733. Citizens; former Spanish subjects and children; body politic; name

All inhabitants continuing to reside in Puerto Rico who were Spanish subjects on the 11th day of April 1899, and then resided in Puerto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Puerto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April 1899; and they, together with such citizens of the United States as may reside in Puerto Rico, shall constitute a body politic under the name of the People of Puerto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such.

(Apr. 12, 1900, ch. 191, § 7, 31 Stat. 79; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

CROSS REFERENCES

Citizen of the Commonwealth of Puerto Rico as replacing citizen of Puerto Rico, see Art. IX, § 5, of Commonwealth Constitution, set out as a note under section 731d of this title.

Persons born in Puerto Rico declared citizens of the United States, see section 1402 of Title 8, Aliens and Nationality.

§ 733a. Citizens; residence in island of citizens of United States

All citizens of the United States who have resided or who shall after March 4, 1927, reside in the island for one year shall be citizens of Puerto Rico.

(Mar. 2, 1917, ch. 145, § 5a, as added Mar. 4, 1927, ch. 503, § 2, 44 Stat. 1418, and amended May 17, 1932, ch. 190, 47 Stat. 158.)

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

CROSS REFERENCES

Citizen of the Commonwealth of Puerto Rico as replacing citizen of Puerto Rico, see Art. IX, § 5, of Commonwealth Constitution, set out as a note under section 731d of this title.

§ 733a–1. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(14), 66 Stat. 279

Section, act Mar. 2, 1917, ch. 145, § 5b, as added June 25, 1948, ch. 649, 62 Stat. 1015, related to nonapplication of section 804(c) of Title 8, Aliens and Nationality, and is not now covered.

§ 733b. Omitted

CODIFICATION

Prior to the enactment of the Nationality Act of 1940, act Oct. 14, 1940, ch. 876, 54 Stat. 1137, this section, act Mar. 2, 1917, ch. 145, § 5b, as added June 27, 1934, ch. 845, 48 Stat. 1245, provided as follows: "All persons born in Puerto Rico on or after April 11, 1899 (whether before or after June 27, 1934) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States: *Provided*, That this section shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship heretofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country: *And provided further*, That any woman, native of Puerto Rico and permanently residing therein, who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of the United States citizenship by her husband, may be naturalized under the provisions of section 369 of title 8."

The second proviso thereof was repealed by section 504 of the Nationality Act of 1940. Present provisions relating to citizenship of persons born in Puerto Rico, are contained in section 1402 of Title 8, Aliens and Nationality.

§ 734. United States laws extended to Puerto Rico; internal revenue receipts covered into treasury

The statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal revenue laws other than those contained in the Philippine Trade Act of 1946 [22 U.S.C. 1251 et seq.] or the Philippine Trade Agreement Revision Act of 1955 [22 U.S.C. 1371 et seq.]: *Provided, however*, That after May 1, 1946, all taxes collected

under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the island shall be covered into the Treasury of Puerto Rico.

(Mar. 2, 1917, ch. 145, § 9, 39 Stat. 954; May 17, 1932, ch. 190, 47 Stat. 158; Apr. 30, 1946, ch. 244, title V, § 513, 60 Stat. 158; Aug. 1, 1955, ch. 438, title III, § 308, 69 Stat. 427.)

REFERENCES IN TEXT

The Philippine Trade Act of 1946, referred to in text, is act Apr. 30, 1946, ch. 244, 60 Stat. 141, which is classified principally to subchapters I to IV (§ 1251 et seq.) of chapter 15 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 1354 of Title 22 and Tables volume.

The Philippine Trade Agreement Revision Act of 1955, referred to in text, is act Aug. 1, 1955, ch. 438, 69 Stat. 413, which is classified principally to subchapter IV-A (§ 1371 et seq.) of chapter 15 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note under section 1373 of Title 22 and Tables volume.

The internal revenue laws of the United States, referred to in text, are classified generally to Title 26, Internal Revenue Code.

PRIOR PROVISIONS

Provisions similar to this section were contained in act Apr. 12, 1900, ch. 191, § 14, 31 Stat. 80, except that the words "which, in view of the provisions of section three, shall not have force and effect in Porto Rico" were contained in lieu of the proviso. As to section 3 of act Apr. 12, 1900, see section 738 of this title and notes thereunder.

AMENDMENTS

1955—Act Aug. 1, 1955, inserted "or the Philippine Trade Agreement Revision Act of 1955".

1946—Act Apr. 30, 1946, inserted "other than those contained in the Philippine Trade Act of 1946", preceding proviso.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Aug. 1, 1955, effective on Jan. 1, 1956, see section 301(b) of act Aug. 1, 1955, set out as an Effective Date note under section 1373 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1946 AMENDMENT

Amendment by act Apr. 30, 1946, effective on the day after the date of its enactment, Apr. 30, 1946, see section 512 of act Apr. 30, 1946, set out as an Effective Date note under section 1251 of Title 22, Foreign Relations and Intercourse.

EX. ORD. NO. 9909. EXEMPTING DISTRICT COURT OF THE UNITED STATES FOR PUERTO RICO AND THE DEPARTMENT OF JUSTICE FROM MAKING REPORTS REQUIRED BY THIS SECTION

Ex. Ord. No. 9909, eff. Dec. 9, 1947, 12 F.R. 8291, provided: "By virtue of the authority vested in me by section 49b(2) of the Organic Act of Puerto Rico, as amended by section 6 of the Act of August 5, 1947, Public Law 362, 80th Congress [section 793b of this title], it is hereby ordered that the District Court of the United States for Puerto Rico and the Department of Justice shall be exempt from making the reports to the Coordinator of Federal Agencies in Puerto Rico which are provided for in such section."

EX. ORD. NO. 10005. ESTABLISHMENT OF PRESIDENT'S ADVISORY COMMISSION ON RELATION OF FEDERAL LAWS TO PUERTO RICO

Ex. Ord. No. 10005, eff. Oct. 5, 1948, 13 F.R. 5854, provided:

WHEREAS section 9 of the Organic Act of Puerto Rico, 39 Stat. 954 [this section], provides that "the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States"; and

WHEREAS section 49b(3) of the said Act, which was added by section 6 of the act of August 5, 1947, 61 Stat. 772 [section 793b of this title], provides that "the President of the United States may, from time to time, after hearing, promulgate Executive orders expressly excepting Puerto Rico from the application of any Federal law, not expressly declared by Congress to be applicable to Puerto Rico, which is contemplated by section 9 of this act [this section] is inapplicable by reason of local conditions":

NOW, THEREFORE, by virtue of the authority vested in me by the said Organic Act of Puerto Rico, and as President of the United States, it is ordered as follows:

1. There is hereby created a commission to be known as the President's Advisory Commission on the Relation of Federal Laws to Puerto Rico, which shall be composed of nine members to be designated by the President and to serve without compensation.

2. The Commission shall from time to time make recommendations to the President concerning the exercise of his power under section 49b(3) of the Organic Act of Puerto Rico [section 793b of this title] to exempt Puerto Rico from the application of Federal laws. To that end, the Commission is authorized to examine into, and to hold hearings on, the inapplicability of Federal laws to Puerto Rico by reason of local conditions.

3. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Commission in its work and to furnish the Commission such information as the Commission may require in the performance of its duties.

4. The Commission shall continue to exist until the President terminates its existence by Executive order.

CROSS REFERENCES

Articles, goods, wares, or merchandise going into Puerto Rico from United States, exempt from payment of any tax imposed by internal revenue laws of United States, see section 7653 of Title 26, Internal Revenue Code.

Deposit of internal revenue collections, see section 7652 of Title 26.

Income tax on residents of Puerto Rico, see section 933 of Title 26.

Internal revenue tax on articles of merchandise of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale, see section 7652 of Title 26.

Interstate Commerce Act as amended and the Safety Appliance Acts as amended as inapplicable to Puerto Rico, see section 751 of this title.

References to possessions in Internal Revenue Code as referring to Commonwealth of Puerto Rico, see section 7701 of Title 26, Internal Revenue Code.

Taxes collected, as trust funds, see section 725s of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 sections 1356, 1373.

§ 734a. Extension of industrial alcohol and internal revenue laws to Puerto Rico

Title III of the National Prohibition Act, as amended, and all provisions of the internal revenue laws relating to the enforcement thereof,

are extended to and made applicable to Puerto Rico from and after August 27, 1935. The Insular Government shall advance to the Treasury of the United States such funds as may be required from time to time by the Secretary of the Treasury for the purpose of defraying all expenses incurred by the Treasury Department in connection with the enforcement in Puerto Rico of the said Title III and regulations promulgated thereunder. The funds so advanced shall be deposited in a separate trust fund in the Treasury of the United States and shall be available to the Treasury Department for the purposes of this section.

(June 26, 1936, ch. 830, title III, § 329(c), 49 Stat. 1957.)

REFERENCES IN TEXT

The National Prohibition Act, referred to in text, is act Oct. 28, 1919, ch. 85, 41 Stat. 305, as amended. Title III of such Act was classified principally to chapter 3 (§ 71 et seq.) of Title 27, Intoxicating Liquors, and was omitted in view of the incorporation of such provisions in the Internal Revenue Code of 1939.

CODIFICATION

Provisions similar to this section relating to the Virgin Islands are set out as section 1402 of this title.

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CROSS REFERENCE

Industrial alcohol plants, application of internal revenue laws to Puerto Rico, see section 5314 of Title 26, Internal Revenue Code.

§ 735. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section, acts Mar. 2, 1917, ch. 145, § 57, 39 Stat. 968; May 17, 1932, ch. 190, 47 Stat. 158, continued certain Puerto Rican Laws in force and authorized the legislative authority to modify or repeal laws. Subject matter is now covered by Art. IX, § 1 of the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective July 25, 1952, upon the effective date of the constitution of the Commonwealth of Puerto Rico, see Effective Date of Repeal note set out under section 732 of this title.

§ 736. Puerto Rican law modified

So much of the law which was in force at the time of cession, April 11th, 1899, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph 4, article 83, chapter 3, civil code, and which was continued by the order of the secretary of justice of Puerto Rico, dated March 17, 1899, and promulgated by Major General Guy V. Henry, United States Volunteers, is repealed and annulled, and all persons lawfully married in Puerto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages. Paragraph 1, article 105, section 4, divorce, civil code, and paragraph 2, section 19, of the order of the minister of justice of Puerto Rico, dated March 17, 1899, and promulgated by Major General Guy V. Henry, United States Volunteers, are so amended as to read: "Adultery on the part of either the husband or the wife."

(Apr. 12, 1900, ch. 191, § 8, 31 Stat. 79; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

§ 737. Privileges and immunities

The rights, privileges, and immunities of citizens of the United States shall be respected in Puerto Rico to the same extent as though Puerto Rico were a State of the Union and subject to the provisions of paragraph 1 of section 2 of article IV of the Constitution of the United States.

(Mar. 2, 1917, ch. 145, § 2, 39 Stat. 951; Feb. 3, 1921, ch. 34, § 1, 41 Stat. 1096; May 17, 1932, ch. 190, 47 Stat. 158; Mar. 2, 1934, ch. 37, § 1, 48 Stat. 361; Aug. 5, 1947, ch. 490, § 7, 61 Stat. 772; July 3, 1950, ch. 446, § 5(1), 64 Stat. 320.)

AMENDMENTS

1950—Act July 3, 1950, repealed all of section relating to bill of rights and restrictions except last paragraph.

1947—Act Aug. 5, 1947, added privileges and immunities provisions.

1934—Act Mar. 2, 1934, repealed so much of former provisions of twentieth paragraph of this section making it unlawful to import, manufacture, sell or give away, or to expose for sale or gift any intoxicating liquors. The penalty formerly contained in such paragraph, related only to violation of such provisions.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

EFFECTIVE DATE OF 1950 AMENDMENT

Amendment of this section effective July 25, 1952, the date the Constitution of Puerto Rico became effective, see Effective Date of Repeal note set out under section 732 of this title.

§ 738. Free interchange of merchandise with United States

All merchandise and articles coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry free of duty and in no event shall any tariff duties be collected on said merchandise or articles.

(Apr. 12, 1900, ch. 191, § 3, 31 Stat. 77; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Act Apr. 12, 1900, § 3, as originally enacted, imposed tariff duties, amounting to 15 per centum of the duties on like articles imported from foreign countries, on all articles of merchandise coming into the United States from Porto Rico and vice versa. Merchandise and articles except coffee, not dutiable under United States' tariff laws, and merchandise or articles entered in Porto Rico free of duty under orders theretofore made by the Secretary of War, were to be admitted from the United States free of duty, all laws or parts of laws to the contrary, notwithstanding. However, all of the aforesaid tariff duties were to cease, and the provi-

sions in the text were to become operative, whenever the local legislative assembly should put into operation a system of local taxation, and the President should make proclamation thereof. In no event were those duties to be collected after March 1, 1902. In accordance with the aforesaid provision President McKinley issued his proclamation July 25, 1901, 32 Stat. 1983.

Section 3 also contained provisions relating to a tax on merchandise of Porto Rican manufacture equal to the internal-revenue tax imposed in the United States, and on merchandise of United States manufacture coming into Porto Rico, a tax equal to the internal-revenue tax imposed in Porto Rico upon like articles of Porto Rican manufacture which are now set forth in sections 7652 and 7653 of Title 26, Internal Revenue Code.

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

CROSS REFERENCES

Puerto Rico empowered to impose tariff duties on coffee imported into Puerto Rico from foreign countries through United States, see sections 1319 and 1319a of Title 19, Customs Duties.

Taxation of shipments to and from the United States, see sections 7652 and 7653 of Title 26, Internal Revenue Code.

§ 739. Duties on foreign imports; books and pamphlets in English language

The same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries. All books and pamphlets printed in the English language shall be admitted into Puerto Rico free of duty when imported from the United States.

(Apr. 12, 1900, ch. 191, § 2, 31 Stat. 77; Aug. 5, 1909, ch. 6, § 1, 36 Stat. 71, 74; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

AMENDMENTS

1909—Act Aug. 5, 1909, placed coffee in the bean or ground, imported into Puerto Rico, formerly subject to a duty of 5 cents, on the duty free list.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

§ 740. Duties and taxes to constitute fund for benefit of Puerto Rico; ports of entry

The duties and taxes collected in Puerto Rico in pursuance of the provisions of this Act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Puerto Rico, shall be paid into the treasury of Puerto Rico to be expended as required by law for the government and benefit thereof, and the Secretary of the Treasury shall designate the several ports and subports of entry in Puerto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Puerto Rico by the provisions of this Act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions of law.

(Apr. 12, 1900, ch. 191, § 4, 31 Stat. 78; May 17, 1932, ch. 190, 47 Stat. 158.)

REFERENCES IN TEXT

"This Act", referred to in text, means act Apr. 12, 1900, ch. 191, 31 Stat. 77, popularly known as the Foraker Act, which, insofar as classified to the Code, enacted sections 731, 732, 733, 734, 735, 736, 738 to 740, 743 to 745, 747, 755, 771, 772, 778 to 780, 782, 783, 786 to 788, 790 to 792, 795, 797 to 799, 814, 816, 863, 864, 866, and 874 of this title and amended sections 1 and 11 of Title 11, Bankruptcy. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Additional provisions of act Apr. 12, 1900, § 4, directing the payment of duties and taxes into a separate fund in the Treasury of the United States until the organization of a local civil government, have been omitted as obsolete.

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

TRANSFER OF FUNCTIONS

All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise of the Bureau of Customs of the Department of the Treasury to which appointments were required to be made by the President with the advice and consent of the Senate were ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of the offices eliminated were already vested in the Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

EXPENDITURES FOR GOVERNMENTAL AND PUBLIC PURPOSES

The amount of customs revenue received by the United States on importations from Puerto Rico since its evacuation by the Spanish forces together with all that should thereafter be collected under the existing law were placed at the disposal of the President to be used for governmental and public purposes in Puerto Rico, by act Mar. 24, 1900, ch. 91, 31 Stat. 51.

CROSS REFERENCES

All taxes collected on articles produced in Puerto Rico and transported to the United States to be covered into the treasury of Puerto Rico, see section 7652 of Title 26, Internal Revenue Code.

§ 741. Export duties, taxes, etc.; bonds to anticipate revenues

No export duties shall be levied or collected on exports from Puerto Rico, but taxes and as-

sessments on property, income taxes, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Puerto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Puerto Rico or any municipal government therein as may be provided by law, and to protect the public credit.

(Mar. 2, 1917, ch. 145, § 3, 39 Stat. 953; Feb. 3, 1921, ch. 34, § 2, 41 Stat. 1096; Mar. 4, 1927, ch. 503, § 1, 44 Stat. 1418; May 17, 1932, ch. 190, 47 Stat. 158; Aug. 26, 1937, ch. 831, 50 Stat. 843.)

CODIFICATION

Section is comprised of first part of section 3 of act Mar. 2, 1917, down to the proviso clause. The remainder of section 3 is classified to sections 741a and 745 of this title.

PRIOR PROVISIONS

Provisions similar to this section were contained in act Apr. 12, 1900, ch. 191, § 38, 31 Stat. 86.

AMENDMENTS

1937—Act Aug. 26, 1937, reenacted section without change.

1927—Act Mar. 4, 1927, included the imposition of income taxes.

1921—Act Feb. 3, 1921, reenacted section without change.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

§ 741a. Internal-revenue taxes; levy and collection; discrimination

The internal-revenue taxes levied by the Legislature of Puerto Rico in pursuance of the authority granted by this chapter on articles, goods, wares, or merchandise may be levied and collected as such legislature may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the island: *Provided*, That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in Puerto Rico. The officials of the Customs and Postal Services of the United States are directed to assist the appropriate officials of the Puerto Rican government in the collection of these taxes.

(Mar. 2, 1917, ch. 145, § 3, 39 Stat. 953; Mar. 4, 1927, ch. 503, § 1, 44 Stat. 1418; May 17, 1932, ch. 190, 47 Stat. 158; Aug. 26, 1937, ch. 831, 50 Stat. 843.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original "this Act," meaning act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act and also popularly known as the Jones Act, which is classified principally to the chapter. For complete classification of this Act to the Code, see Short Title note set out under section 731 of this title and Tables volume.

CODIFICATION

Section is comprised of last part of section 3 of act Mar. 2, 1917, as added by act Mar. 4, 1927. The first two parts are classified to sections 741 and 745, respectively, of this title.

AMENDMENTS

1937—Act Aug. 26, 1937, reenacted this section without change.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

CROSS REFERENCES

All articles of merchandise of United States manufacture coming into Puerto Rico to be entered at port of entry upon payment of tax equal in rate and amount to the internal revenue tax imposed in Puerto Rico upon like articles of Puerto Rican manufacture, see section 7653 of Title 26, Internal Revenue Code.

§ 742. Acknowledgment of deeds

Deeds and other instruments affecting land situate in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Puerto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public. The certificate by such notary shall be accompanied by the certificate of the executive secretary of Puerto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer.

(Mar. 2, 1917, ch. 145, § 54, 39 Stat. 968; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Section is also set out in D.C. Code, § 45-406.

PRIOR PROVISIONS

Provisions similar to this section were contained in act Mar. 22, 1902, ch. 273, 32 Stat. 88, except that that act required the certificate of the attorney general of Puerto Rico, rather than of the executive secretary of Puerto Rico as required by this section.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

§ 743. Repealed. July 1, 1944, ch. 373, title XI, § 1113, 58 Stat. 714

Section, acts Apr. 12, 1900, ch. 191, § 10, 31 Stat. 80; Aug. 14, 1912, ch. 288, 37 Stat. 309; May 17, 1932, ch. 190, 47 Stat. 158, provided for quarantine stations in Puerto Rico, and is now covered by section 267 of Title 42, The Public Health and Welfare.

RENUMBERING OF REPEALING ACT

Section 611 of act July 1, 1944, which repealed this section, was renumbered 711 by act Aug. 13, 1946, ch. 958, § 5, 60 Stat. 1049, 713 by act Feb. 28, 1948, ch. 83, § 9(b), 62 Stat. 47, 813 by act July 30, 1956, ch. 779, § 3(b), 70 Stat. 720, 913 by Pub. L. 88-581, § 4(b), Sept. 4, 1964, 78 Stat. 919, 1013 by Pub. L. 89-239, § 3(b), Oct. 6, 1965, 79 Stat. 931, and 1113 by Pub. L. 91-572, § 6(b), Dec. 24, 1970, 84 Stat. 1506.

§ 744. Coasting trade laws

The coasting trade between Puerto Rico and the United States shall be regulated in accord-

ance with the provisions of law applicable to such trade between any two great coasting districts of the United States.

(Apr. 12, 1900, ch. 191, § 9, 31 Stat. 79; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Additional provisions of section 9 of act Apr. 12, 1900, authorizing the making of regulations for the nationalization of all vessels owned by inhabitants of Puerto Rico on April 11, 1889, and which continued to be so owned up to the date of that nationalization and for the admission of the same to all the benefits of the coasting trade of the United States, have been omitted as executed.

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

CROSS REFERENCES

Establishment of great districts embracing seacoasts and navigable rivers of United States and Puerto Rico, see section 293 of Title 46, Shipping.

§ 745. Tax exempt bonds

All bonds issued by the Government of Puerto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the Government of Puerto Rico or of any political or municipal subdivision thereof, or by any State, Territory, or possession, or by any county, municipality, or other municipal subdivision of any State, Territory, or possession of the United States, or by the District of Columbia.

(Mar. 2, 1917, ch. 145, § 3, 39 Stat. 953; Feb. 3, 1921, ch. 34, § 2, 41 Stat. 1096; Mar. 4, 1927, ch. 503, § 1, 44 Stat. 1418; May 17, 1932, ch. 190, 47 Stat. 158; Aug. 26, 1937, ch. 831, 50 Stat. 844; Aug. 17, 1950, ch. 731, 64 Stat. 458; Aug. 3, 1961, Pub. L. 87-121, § 1, 74 Stat. 245.)

CODIFICATION

Section is comprised of second part of section 3 of act Mar. 2, 1917, commencing with proviso clause. The first and last parts of section 3 are classified to sections 741 and 741a, respectively, of this title.

PRIOR PROVISIONS

Provisions similar to this section were contained in act Apr. 12, 1900, ch. 191, § 38, 31 Stat. 86.

AMENDMENTS

1961—Pub. L. 87-121 deleted the words "no public indebtedness of Puerto Rico and the municipalities of San Juan, Ponce, Arecibo, Rio Piedras, and Mayaguez shall be allowed in excess of 10 per centum of the aggregate tax valuation of its property, and no public indebtedness of any other subdivision or municipality of Puerto Rico shall hereafter be allowed in excess of 5 per centum of the aggregate tax valuation of the property in any such subdivision or municipality," preceding the words "All bonds issued" and also deleted the words "In computing the indebtedness of the people of Puerto Rico, municipal bonds for the payment of interest and principal of which the good faith of the people of Puerto Rico has heretofore been pledged and bonds issued by the people of Puerto Rico secured by bonds to an equivalent amount of bonds of municipal corporations or school boards of Puerto Rico shall not be counted but all bonds hereafter issued by any municipality or subdivision within the 5 per centum hereby authorized for which the good faith of the people of Puerto Rico is pledged shall be counted" following the words "District of Columbia".

1950—Act Aug. 17, 1950, made section applicable to the municipalities of Arecibo and Rio Piedras.

1937—Act Aug. 26, 1937, made section applicable to the municipality of Mayaguez and substituted wherever appearing "August 26, 1937" for "March 4, 1927".

1927—Act Mar. 4, 1927, made section applicable to the municipalities of San Juan and Ponce, limited the public indebtedness of other subdivisions or municipalities of Puerto Rico to 5 per centum, and inserted in the last sentence two clauses, the first relating to the non-inclusion of municipal bonds for the payment of interest and principal, and the second reading "but all bonds after August 26, 1937, issued by any municipality or subdivision within the 5 per centum authorized for which the good faith of the people of Porto Rico is pledged shall be counted."

1921—Act Feb. 3, 1921, increased the allowable public indebtedness from 7 to 10 per centum of the aggregate tax valuation of property.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 2 of Pub. L. 87-121 provided "Section 1 of this Act shall take effect upon a majority of the qualified electors of Puerto Rico having voted in a referendum pursuant to section 1 of article VII of the constitution of the Commonwealth of Puerto Rico, to include provisions in the Commonwealth constitution, in lieu of the provisions of section 3 of the Puerto Rican Federal Relations Act [this section] specified herein, limiting the debt-incurring capacity of the Commonwealth and of its municipalities (as proposed in the concurrent resolution of the legislative assembly of the Commonwealth)."

The referendum was held Dec. 10, 1961, and the debt limitation amendment to Article VI, § 2, of the Constitution of the Commonwealth of Puerto Rico was ratified by a majority of the voters.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 745a, 745b of this title.

§ 745a. Public improvement bonds sold to United States or agency thereof excluded from public indebtedness

Bonds or other obligations of Puerto Rico or any municipal government therein, payable solely from revenues derived from any public improvement or undertaking (which revenues may include transfers by agreement or otherwise from the regular funds of the issuer in respect of the use by it of the facilities afforded by such improvement or undertaking), and issued and sold to the United States of America or any agency or instrumentality thereof, shall not be considered public indebtedness of the issuer within the meaning of section 745 of this title.

(Aug. 13, 1935, ch. 516, 49 Stat. 611.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

§ 745b. Refunding bonds excluded temporarily in computing indebtedness

Any bonds or other obligations of Puerto Rico issued after August 3, 1935, for the purpose of retiring previously outstanding bonds or obligations shall not be included in computing the public indebtedness of Puerto Rico under section 745 of this title, until six months after their issue.

(Aug. 3, 1935, ch. 435, 49 Stat. 516.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

§ 746. Public lands and buildings; reservations; rights prior to July 1, 1902

All public lands and buildings, not including harbor areas and navigable streams and bodies of water and the submerged lands underlying the same, owned by the United States in the island of Puerto Rico and not reserved by the President of the United States prior to July 1, 1903, pursuant to authority vested in him by law, are granted to the government of Puerto Rico, to be held or disposed of for the use and benefit of the people of said island. Said grant is upon the express condition that the government of Puerto Rico, by proper authority, release to the United States any interest or claim it may have in or upon the lands or buildings reserved by the President as mentioned herein. Nothing herein contained shall be so construed as to affect any legal or equitable rights acquired by the government of Puerto Rico or by any other party, under any contract, lease, or license made by the United States authorities prior to the 1st day of May 1900.

(July 1, 1902, ch. 1383, § 1, 32 Stat. 731; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

LAW LIBRARY

Section 2 of act July 1, 1902, made an appropriation for the purchase of a law library for the use of the United States District Court for Puerto Rico.

EXPENSES AND TERM OF RESIDENT COMMISSIONER

Section 3 of act July 1, 1902, related to allowance of traveling expenses in addition to salary to the resident commissioner from Puerto Rico, and to the commencement of his term.

§ 747. Public property transferred

All property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on the 10th day of December 1898, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor works boards of Puerto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not reserved by the United States for public purposes prior to March 2, 1917, is placed under the control of the government of Puerto Rico, to be administered for the benefit of the people of Puerto Rico; and the Legislature of Puerto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all matters, as it may deem advisable.

(Mar. 2, 1917, ch. 145, § 7, 39 Stat. 954; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Section is comprised of that part of section 7 of act Mar. 2, 1917, preceding the proviso clause. The remainder of section 7 is classified to section 748 of this title.

PRIOR PROVISIONS

Provisions similar to this section were contained in act Apr. 12, 1900, ch. 191, § 13, 31 Stat. 80.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 749 of this title.

§ 748. Conveyance by President to people of lands, buildings, etc.

The President may, from time to time, in his discretion, convey to the people of Puerto Rico, such lands, buildings, or interests in lands, or other property now owned by the United States, and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Puerto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.

(Mar. 2, 1917, ch. 145, § 7, 39 Stat. 954; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Section is comprised of proviso clause of section 7 of act Mar. 2, 1917. The text preceding the proviso clause of section 7 is classified to section 747 of this title.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Interior of authority vested in the President by this section, see Ex. Ord. No. 10250, eff. June 5, 1951, 16 F.R. 5385, set out under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 749 of this title.

§ 749. Harbors and navigable waters transferred

The harbor areas and navigable streams and bodies of water and submerged lands underly-

ing the same in and around the island of Puerto Rico and the adjacent islands and waters, owned by the United States on March 2, 1917, and not reserved by the United States for public purposes, are placed under the control of the government of Puerto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in sections 747 and 748 of this title. All laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said island and waters and to its adjacent islands and waters. Nothing in this chapter contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers lawfully granted or exercised or in respect of said waters and submerged lands in and surrounding said island and its adjacent islands by the Secretary of the Army or other authorized officer or agent of the United States prior to March 2, 1917.

(Mar. 2, 1917, ch. 145, § 8, 39 Stat. 954; May 17, 1932, ch. 190, 47 Stat. 158.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original "this Act", meaning act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act and also popularly known as the Jones Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 731 of this title and Tables volume.

CODIFICATION

A further provision of section 8 of act Mar. 2, 1917, repealing act June 11, 1906, ch. 3075, 34 Stat. 234, and all other laws or parts of laws in conflict herewith was omitted as executed.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

CROSS REFERENCES

Protection of navigable waters and of harbor and river improvements generally, see section 401 et seq. of Title 33, Navigation and Navigable Waters.

§ 750. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section, acts Mar. 2, 1917, ch. 145, § 38, 39 Stat. 964; Mar. 4, 1927, ch. 503, § 6, 44 Stat. 1420; June 24, 1948, ch. 610, § 7, 62 Stat. 580, related to grants of franchises, public service commission, etc. Subject matter is now covered by Art. VI, § 13, of the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective July 25, 1952, upon the effective date of the constitution of the Commonwealth of Puerto Rico, see Effective Date of Repeal note set out under section 732 of this title.

§ 751. Interstate commerce and certain other laws inapplicable to Puerto Rico

The Interstate Commerce Act [49 U.S.C. 1 et seq.] and the several amendments made or to be made thereto, the Safety Appliance Acts and the several amendments made or to be made thereto, and section 19a of title 49, shall not apply to Puerto Rico.

(Mar. 2, 1917, ch. 145, § 38, 39 Stat. 964; Mar. 4, 1927, ch. 503, § 6, 44 Stat. 1420; May 17, 1932, ch. 190, 47 Stat. 158.)

REFERENCES IN TEXT

The Interstate Commerce Act, referred to in text, is act Feb. 4, 1887, ch. 104, 24 Stat. 379, which is classified generally to chapters 1, 8, 12, 13, and 19 (§§ 1 et seq., 301 et seq., 901 et seq., 1001 et seq., and 1231 et seq., respectively) of Title 49, Transportation. For complete classification of this Act to the Code, see note captioned Interstate Commerce Act set out under section 27 of Title 49 and Tables volume.

The Safety Appliance Acts, referred to in text, probably mean acts Mar. 2, 1893, ch. 196, 27 Stat. 531; Mar. 2, 1903, ch. 976, 32 Stat. 943; and Apr. 14, 1910, ch. 160, 36 Stat. 298, which are classified to sections 1 to 16 of Title 45, Railroads. For complete classification of these Acts to the Code, see Short Title note set out under section 1 of Title 45 and Tables volume.

CODIFICATION

Section is comprised of second paragraph of section 38 of act Mar. 2, 1917. The first and third paragraphs of section 38 were classified to sections 750 and 753, respectively, of this title.

AMENDMENTS

1927—Act Mar. 4, 1927, reenacted section without change.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

§ 752. Corporate real estate holdings

No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation authorized after May 1, 1900, to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Puerto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

(May 1, 1900, No. 23, § 3, 31 Stat. 716; Mar. 2, 1917, ch. 145, § 39, 39 Stat. 964; May 17, 1932,

ch. 190, 47 Stat. 158; July 3, 1950, ch. 446, § 5 (2), 64 Stat. 320.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

REPEALS

Section 5(2) of act July 3, 1950, repealed section 39 of act Mar. 2, 1917, eff. July 25, 1952. See Effective Date of Repeal note set out below.

EFFECTIVE DATE OF REPEAL

Repeal of section 39 of act Mar. 2, 1917 effective July 25, 1952, upon the effective date of the constitution of the Commonwealth of Puerto Rico, see Effective Date of Repeal note under section 732 of this title.

§§ 753, 754. Repealed. July 3, 1950, ch. 446, § 5(2), (4), 64 Stat. 320

Section 753, acts Mar. 2, 1917, ch. 145, § 38, 39 Stat. 964; Mar. 4, 1927, ch. 503, § 6, 44 Stat. 1420; May 17, 1932, ch. 190, 47 Stat. 158, authorized the Legislature to regulate rates, tariffs, etc., of public carriers and the public service commission to enforce those laws.

Section 754, acts Mar. 2, 1917, ch. 145, § 35, 39 Stat. 963; May 17, 1932, ch. 190, 47 Stat. 158, which had been transferred to section 814a of this title, related to qualifications of electors. Subject matter is now covered by Art. VI, § 4, of the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections 753 and 754, effective July 25, 1952, upon the effective date of the constitution of the Commonwealth of Puerto Rico, see Effective Date of Repeal note under section 732 of this title.

§ 755. Omitted

CODIFICATION

Section, act Apr. 12, 1900, ch. 191, § 11, 31 Stat. 80, which provided for redemption by Secretary of Treasury of Puerto Rican silver coins known as the peso and all other Puerto Rican silver and coppers in circulation on Apr. 12, 1900, except those imported after Feb. 1, 1900, at rate of 60 cents per peso and for recoinage of such coins into United States coins, and made United States coins sole legal tender in payment of debts, except those owing prior to Apr. 12, 1900, which were payable in Puerto Rico coins or their exchanged equivalents, was omitted from the Code as executed.

SUBCHAPTER II—THE EXECUTIVE AND GOVERNMENT OFFICIALS

§§ 771 to 793. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section 771, acts Mar. 2, 1917, ch. 145, § 12, 39 Stat. 950; May 17, 1932, ch. 190, 47 Stat. 158; Aug. 5, 1947, ch. 490, § 1, 61 Stat. 770, related to the election, tenure of office, and qualifications of the governor.

Section 771a, act Mar. 2, 1917, ch. 145, § 12a, as added Aug. 5, 1947, ch. 490, § 2, 61 Stat. 771, related to the impeachment of the governor.

Section 772, acts Mar. 2, 1917, ch. 145, § 24, 39 Stat. 958; Aug. 5, 1947, ch. 490, § 4, 61 Stat. 771, related to succession to office of governor.

Section 773, acts Mar. 2, 1917, ch. 145, § 13, 39 Stat. 955; Feb. 18, 1931, ch. 218, § 1, 46 Stat. 1168, related to executive departments.

Section 774, act Mar. 2, 1917, ch. 145, § 37, 39 Stat. 964, prohibited the Legislature from creating new departments but authorized their consolidation or abolition.

Section 775, acts Mar. 2, 1917, ch. 145, § 13, 39 Stat. 955; Feb. 18, 1931, ch. 218, § 1, 46 Stat. 1168; May 17, 1932, ch. 190, 47 Stat. 158; Aug. 5, 1947, ch. 490, § 3, 61 Stat. 771, related to appointment and tenure of office of heads of departments.

Section 776, acts Mar. 2, 1917, ch. 145, § 13, 39 Stat. 956; Feb. 18, 1931, ch. 218, § 1, 46 Stat. 1168; May 17, 1932, ch. 190, 47 Stat. 158, related to residence requirement for heads of departments.

Section 777, acts Mar. 2, 1917, ch. 145, § 13, 39 Stat. 956; Feb. 18, 1931, ch. 218, § 1, 46 Stat. 1168, related to the executive council and its duties and compensation.

Section 778, acts Mar. 2, 1917, ch. 145, § 14, 39 Stat. 956; May 17, 1932, ch. 190, 47 Stat. 158, related to the duties of the Attorney General.

Section 779, acts Mar. 2, 1917, ch. 145, § 22, 39 Stat. 958; June 27, 1924, ch. 322, § 2, 43 Stat. 631; May 17, 1932, ch. 190, 47 Stat. 158; June 24, 1948, ch. 610, § 6, 62 Stat. 580, related to the powers and duties of the executive secretary.

Section 780, acts Mar. 2, 1917, ch. 145, § 15, 39 Stat. 956; May 17, 1932, ch. 190, 47 Stat. 158, related to the powers and duties of the Treasurer, including the designation of depositaries.

Section 781, acts Mar. 2, 1917, ch. 145, § 15, 39 Stat. 956; May 17, 1932, ch. 190, 47 Stat. 158, required the Treasurer to give a bond not less than $125,000.

Section 782, act Mar. 2, 1917, ch. 145, § 16, 39 Stat. 956, related to the duties of the Commissioner of the Interior.

Section 783, acts Mar. 2, 1917, ch. 145, § 17, 39 Stat. 956; May 17, 1932, ch. 190, 47 Stat. 158, related to the duties of the Commissioner of Education.

Section 784, acts Mar. 2, 1917, ch. 145, § 18, 39 Stat. 957; Feb. 18, 1931, ch. 218, § 2, 46 Stat. 1168; May 17, 1932, ch. 190, 47 Stat. 158, related to the duties of the Commissioner of Agriculture and Commerce.

Section 784a, act Mar. 2, 1917, ch. 145, § 18a, as added Feb. 18, 1931, ch. 218, § 3, 46 Stat. 1169, and amended May 17, 1932, ch. 190, 47 Stat. 158, related to the duties of the Commissioner of Labor.

Section 785, act Mar. 2, 1917, ch. 145, § 19, 39 Stat. 957, related to the duties of the Commissioner of Health.

Section 786, acts Mar. 2, 1917, ch. 145, § 20, 39 Stat. 957; June 7, 1924, ch. 322, § 1, 43 Stat. 631; Mar. 4, 1927, ch. 503, § 3, 44 Stat. 1419; May 17, 1932, ch. 190, 47 Stat. 158; June 24, 1948, ch. 610, § 5, 62 Stat. 580, related to the appointment, compensation and term of office of the Auditor and his powers and duties, and provided for an assistant auditor and other necessary assistants and employees.

Section 787, acts Mar. 2, 1917, ch. 145, § 20, 39 Stat. 957; Mar. 4, 1927, ch. 503, § 3, 44 Stat. 1419, related to the jurisdiction of the Auditor over accounts.

Section 788, acts Mar. 2, 1917, ch. 145, § 20, 39 Stat. 957; June 10, 1921, ch. 18, §§ 301, 304, 42 Stat. 23 to 25; Mar. 4, 1927, ch. 503, § 3, 44 Stat. 1419, related to the finality of the decisions of the Auditor and time for appeal therefrom, and vested such official with like authority as that conferred by the law upon the Comptroller General of the United States, with certain exceptions.

Section 789, act Mar. 2, 1917, ch. 145, § 21, 39 Stat. 958, related to appeals from the decisions of the Auditor to the Governor.

Section 790, acts Mar. 2, 1917, ch. 145, § 20, 39 Stat. 957; Mar. 4, 1927, ch. 503, § 3, 44 Stat. 1420, related to the annual report of the fiscal concern of the government from the Auditor to the Governor and those other reports as may be required.

Section 791, acts Mar. 2, 1917, ch. 145, § 20, 39 Stat. 957; Mar. 4, 1927, ch. 503, § 3, 44 Stat. 1419, authorized the Auditor to summon witnesses, administer oaths, take evidence, etc.

Section 792, acts Mar. 2, 1917, ch. 145, § 20, 39 Stat. 957; Mar. 4, 1927, ch. 503, § 3, 44 Stat. 1420, related to

the supervision of the office of the Auditor by the Governor.

Section 793, acts Mar. 2, 1917, ch. 145, § 20, 39 Stat. 957; Mar. 4, 1927, ch. 503, § 3, 44 Stat. 1419; May 17, 1932, ch. 190, 47 Stat. 158, related to the performance of the powers and duties of the Auditor in case of a vacancy in the office or in his absence by the assistant auditor, or in the absence of that assistant, by an assistant designated by the Governor.

The subject matter of sections 771 to 793 of this title is now covered by the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections 771 to 793, effective July 25, 1952, upon the effective date of the constitution of the commonwealth of Puerto Rico, see Effective Date of Repeal note under section 732 of this title.

§ 793a. Repealed. June 30, 1954, ch. 428, § 1, 68 Stat. 336

Section, act Mar. 2, 1934, ch. 37, § 4, 48 Stat. 361, created a Model Housing Board, and provided for the construction and sale of model houses and for the creation of a revolving "model housing fund".

DISPOSITION OF MONEYS IN REVOLVING FUND

Act June 30, 1954, ch. 428, § 2, 68 Stat. 336, authorized the transfer of any moneys remaining in the revolving model housing fund under this section to the treasury of the commonwealth of Puerto Rico.

§ 793b. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section, act Mar. 2, 1917, ch. 145, § 49b, as added Aug. 5, 1947, ch. 490, § 6, 61 Stat. 772, and amended June 24, 1948, ch. 610, § 1, 62 Stat. 579, provided for a Coordinator of Federal Agencies in Puerto Rico, his appointment, compensation and duties, and required President to prescribe rules and regulations to carry out the provisions of former section 793 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective July 25, 1952, upon the effective date of the constitution of the commonwealth of Puerto Rico, see Effective Date of Repeal note under section 732 of this title.

§ 794. Official reports

All reports required by law to be made by the governor or heads of departments to any official of the United States shall be made to an executive department of the Government of the United States to be designated by the President, and the President is authorized to place all matters pertaining to the government of Puerto Rico in the jurisdiction of such department.

(Mar. 2, 1917, ch. 145, § 11, 39 Stat. 955; May 17, 1932, ch. 190, 47 Stat. 158.)

PRIOR PROVISIONS

Provisions similar to this section were contained in act July 15, 1909, ch. 4, § 2, 36 Stat. 11.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

EX. ORD. NO. 9383. COORDINATION OF FUNCTIONS AND POLICIES OF FEDERAL CIVIL AGENCIES IN PUERTO RICO AND THE VIRGIN ISLANDS

Ex. Ord. No. 9383, eff. Oct. 5, 1943, 8 F.R. 13781, provided:

1. Each Federal civil agency performing services in Puerto Rico or in the Virgin Islands shall make current reports to the Secretary of the Interior concerning the work of such agency in such manner and form and at such times as may be prescribed by the Secretary of the Interior.

2. The Secretary of the Interior shall make such recommendations to the heads of Federal civil agencies so reporting as may in his judgment serve to correlate the work of such agencies in Puerto Rico and in the Virgin Islands, eliminate unessential Federal activities, assist insular agencies to assume increasing responsibility in civil administration, meet more efficiently the needs of the people of Puerto Rico and the Virgin Islands for essential Federal services, and implement the policies of the United States with respect to its island possessions.

3. The Secretary of the Interior shall from time to time report to the President and to the Congress concerning the actions taken pursuant to this order.

4. This order shall not be applicable to United States District Judges, United States Attorneys, and United States Marshals.

§ 795. Government expenses payable out of revenues

All expenses that may be incurred on account of the government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the treasurer of Puerto Rico out of the revenue in his custody.

(Mar. 2, 1917, ch. 145, § 6, 39 Stat. 953; May 17, 1932, ch. 190, 47 Stat. 158.)

PRIOR PROVISIONS

Provisions similar to this section were contained in act Apr. 12, 1900, ch. 191, § 12, 31 Stat. 80, with the exception of the words "except as otherwise specifically provided by the Congress."

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

§§ 796 to 799. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section 796, acts Mar. 2, 1917, ch. 145, § 53, 39 Stat. 968; May 17, 1932, ch. 190, 47 Stat. 158, related to transfer of bureaus or offices.

Section 797, acts Mar. 2, 1917, ch. 145, § 50, 39 Stat. 967; June 7, 1924, ch. 322, § 3, 43 Stat. 631; May 29, 1928, ch. 904, §§ 1, 2, 45 Stat. 997; May 17, 1932, ch. 190, 47 Stat. 158; Aug. 5, 1947, ch. 490, § 5, 61 Stat. 771; June 24, 1948, ch. 610, § 2, 62 Stat. 579; Sept. 7, 1949, ch. 544, 63 Stat. 692, related to salaries and bonds of officials, and residence of governor.

Section 798, acts Mar. 2, 1917, ch. 145, § 50, 39 Stat. 967; June 7, 1924, ch. 322, § 3, 43 Stat. 631; June 24, 1948, ch. 610, § 2, 62 Stat. 579; Sept. 7, 1949, ch. 544, 63 Stat. 692, related to payment of salaries, office expenses and bond premiums.

Section 799, act Mar. 2, 1917, ch. 145, § 51, 39 Stat. 967, provided for payment of municipal expenses from municipal revenues.

The subject matter of sections 796 to 799 of this title is now covered by Art. III, § 16, and Art. IV, §§ 2, 4 of the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections 796 to 799, effective July 25, 1952, upon the effective date of the constitution of the Commonwealth of Puerto Rico, see Effective Date of Repeal note under section 732 of this title.

SUBCHAPTER III—THE LEGISLATURE

§§ 811 to 820. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section 811, acts Mar. 2, 1917, ch. 145, § 25, 39 Stat. 958; May 17, 1932, ch. 190, 47 Stat. 158, vested all local legislative powers in Puerto Rico, with certain exceptions, in the "Legislature of Puerto Rico", consisting of a "senate" and a "house of representatives".

Section 812, acts Mar. 2, 1917, ch. 145, § 26, 39 Stat. 958; May 17, 1932, ch. 190, 47 Stat. 158, related to the Senate of Puerto Rico, its members, election and powers.

Section 813, acts Mar. 2, 1917, ch. 145, § 27, 39 Stat. 959; May 17, 1932, ch. 190, 47 Stat. 158, related to the House of Representatives and its members and their election.

Section 814, acts Mar. 2, 1917, ch. 145, § 28, 39 Stat. 959; May 17, 1932, ch. 190, 47 Stat. 158, provided for the division of Puerto Rico into thirty-five representative and seven senatorial districts.

Section 814a, acts Mar. 2, 1917, ch. 145, § 35, 39 Stat. 963; May 17, 1932, ch. 190, 47 Stat. 158, related to the qualification of electors.

Section 815, acts Mar. 2, 1917, ch. 145, § 29, 39 Stat. 959; May 17, 1932, ch. 190, 47 Stat. 158, provided for the time of holding elections and the revision of boundaries of senatorial and representative districts and municipalities.

Section 816, act Mar. 2, 1917, ch. 145, § 32, 39 Stat. 960, related to the powers of the senate and house of representatives, including the determination of election and qualifications of members.

Section 817, acts Mar. 2, 1917, ch. 145, § 33, 39 Stat. 960; Mar. 4, 1927, ch. 503, § 5, 44 Stat. 1420, provided for the holding of annual sessions of the legislature and the time for convening.

Section 818, acts Mar. 2, 1917, ch. 145, § 33, 39 Stat. 960; Mar. 4, 1927, ch. 503, § 5, 44 Stat. 1420, authorized the governor to call special sessions of legislature or senate.

Section 819, acts Mar. 2, 1917, ch. 145, § 30, 39 Stat. 959; May 17, 1932, ch. 190, 47 Stat. 158; June 1, 1938, ch. 308, 52 Stat. 595, related to the term of office of senators and representatives, the filling of vacancies, and limitations upon appointment to other offices of those legislative members.

Section 820, acts Mar. 2, 1917, ch. 145, § 31, 39 Stat. 960; Mar. 4, 1927, ch. 503, § 4, 44 Stat. 1420; May 17, 1932, ch. 190, 47 Stat. 158; June 24, 1948, ch. 610, § 4, 62 Stat. 580, related to the compensation and mileage of members of the senate and house of representatives.

The subject matter of sections 811 to 820 of this title is now covered by Arts. III and IV of the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections 811 to 820, effective July 25, 1952, upon the effective date of the constitution of the commonwealth of Puerto Rico, see Effective Date of Repeal note under section 732 of this title.

§ 821. Legislative power

The legislative authority shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character in force in Puerto Rico or municipality or district thereof on March 2, 1917, insofar as such alteration, amendment, modification, or repeal may be consistent with the provisions of this chapter.

(Mar. 2, 1917, ch. 145, § 37, 39 Stat. 964; May 17, 1932, ch. 190, 47 Stat. 158.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original "this Act", meaning act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act and also popularly known as the Jones Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 731 of this title and Tables volume.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

§§ 822, 823. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section 822, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 960, related to origin of bills and resolutions.

Section 823, acts Mar. 2, 1917, ch. 145, § 34, 39 Stat. 960; May 17, 1932, ch. 190, 47 Stat. 158, related to enacting clauses of bills and resolutions.

The subject matter of sections 822 and 823 of this title is now covered by Art. III, §§ 17, 18 of the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections 822 and 823, effective July 25, 1952, upon the effective date of the constitution of the commonwealth of Puerto Rico, see Effective Date of Repeal note under section 732 of this title.

§ 823a. Omitted

CODIFICATION

Section, act June 16, 1938, ch. 460, 52 Stat. 708, which related to Congressional ratification of all joint resolutions, was omitted as executed.

§§ 824 to 844. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section 824, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961, related to the passage of bills and their alterations or amendments.

Section 825, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 960, related to the reference of bills to committees, signature by governor, and approval by President.

Section 826, acts Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961; May 29, 1928, ch. 901, § 1(128), 45 Stat. 996; Feb. 28, 1929, ch. 364, §§ 1, 2, 45 Stat. 1348; May 17, 1932, ch. 190, 47 Stat. 158, required laws enacted by Legislature of Puerto Rico to be reported to Congress.

Section 827, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961, related to the time of taking effect of laws and to the introduction of a bill.

Section 828, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961, related to house journals.

Section 829, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961, required sessions of each house and committees to be open.

Section 830, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961, related to adjournment.

Section 831, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, required presiding officer to sign bills and resolutions.

Section 832, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, provided that bills, with the exception of appropriation bills, were to contain one subject.

Section 833, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, provided that revenue bills were to originate in house of representatives.

Section 834, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, related to appropriation bills for executive, legislative and judicial departments.

Section 835, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, related to revival or amendment of laws.

Section 836, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, required the legislature to prescribe number, duties and compensation of officers and employees.

Section 837, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, prohibited bills giving extra compensation for services rendered.

Section 838, acts Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962; June 24, 1948, ch. 610, § 3, 62 Stat. 580 prohibited laws relating to extension of term of office of officials, double jobs and salary of senators or representatives during term of office.

Section 839, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, related to the presentation of orders, resolutions, etc., to the Governor.

Section 840, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 960, required the Governor to submit a financial budget at opening of each regular session of the legislature.

Section 841, acts Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962; May 17, 1932, ch. 190, 47 Stat. 158, provided for the order of payment of appropriations, where revenue insufficient to meet appropriations, and limited appropriations under certain conditions.

Section 842, acts Mar. 2, 1917, ch. 145, § 23, 39 Stat. 958; May 17, 1932, ch. 190, 47 Stat. 158, required the Governor to transmit copies of laws to executive department of United States.

Section 843, acts Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962; May 17, 1932, ch. 190, 47 Stat. 158, related to the definition and punishment of the offense of corrupt solicitation.

Section 844, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, related to punishment for offense of influencing officials by bribery.

The subject matter of sections 824 to 844 of this title is now covered by Arts. III, IV, and VI of the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections 824 to 844, effective July 25, 1952, upon the effective date of the constitution of the commonwealth of Puerto Rico, see Effective Date of Repeal note under section 732 of this title.

§ 845. Income tax laws; modification or repeal by legislature

The Puerto Rican Legislature shall have power by due enactment to amend, alter, modify, or repeal the income tax laws in force in Puerto Rico.

(Feb. 26, 1926, ch. 27, §§ 261, 1200, 44 Stat. 52, 125; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Similar provisions of act Feb. 26, 1926, which related to the Philippine Islands, were formerly classified to section 1055 of this title.

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to this section were contained in act June 2, 1924, ch. 234, § 261, 43 Stat. 294, which was repealed by section 1200 of act Feb. 26, 1926, to take effect Jan. 1, 1925.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

SUBCHAPTER IV—THE JUDICIARY

§ 861. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section, acts Mar. 2, 1917, ch. 145, § 40, 39 Stat. 965; May 17, 1932, ch. 190, 47 Stat. 158, vested judicial power in courts established and in operation on Mar. 2, 1917, provided for appointment of chief justice and associate justices of the supreme court by President with advice and consent of United States Senate, and authorized Puerto Rican legislature to organize, modify or rearrange the courts and their jurisdiction and procedure, except United States District Court. Subject matter is now covered by Article V of the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective July 25, 1952, upon the effective date of the constitution of the commonwealth of Puerto Rico, see Effective Date of Repeal note under section 732 of this title.

§ 862. Omitted

CODIFICATION

Section, act Sept. 21, 1922, ch. 365, 42 Stat. 993, which conferred on the courts of Puerto Rico jurisdiction of offenses under act Oct. 28, 1919, ch. 85, 41 Stat. 305, the National Prohibition Act was omitted from the Code as obsolete.

§ 863. Repealed. Pub. L. 91-272, § 13, June 2, 1970, 84 Stat. 298

Section, acts Mar. 2, 1917, ch. 145, § 41, 39 Stat. 965; Feb. 25, 1919, ch. 29, § 1, 40 Stat. 1156; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1412; Mar. 4, 1923, ch. 295, 42 Stat. 1560; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; May 17, 1932, ch. 190, 47 Stat. 158; Mar. 26, 1938, ch. 51, § 2, 52 Stat. 118; July 31, 1946, ch. 704, 60 Stat. 716; June 25, 1948, ch. 646, § 20, 62 Stat. 989, set out the jurisdiction of the United States District Court for the District of Puerto Rico and provided for salaries of the judge and officials of the court and for the filling of vacancies.

SAVINGS PROVISIONS

Section 13 of Pub. L. 91-272, as amended by Pub. L. 91-450, Oct. 14, 1970, 84 Stat. 922, provided in part that nothing in the repeal of Act Mar. 2, 1917, as amended, by said section 13 would impair the jurisdiction of the United States District Court for the District of Puerto Rico to hear and determine any action or matter begun in the court on or before June 2, 1970.

§ 864. Appeals, certiorari, removal of causes, etc.; use of English language

The laws of the United States relating to appeals, certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the United States District Court for the District of Puerto Rico and the courts of Puerto Rico.

All pleadings and proceedings in the United States District Court for the District of Puerto Rico shall be conducted in the English language.

(Apr. 12, 1900, ch. 191, § 35, 31 Stat. 85; Mar. 2, 1917, ch. 145, § 42, 39 Stat. 966; Feb. 13, 1925, ch. 229, § 13, 43 Stat. 942; Jan. 31, 1928, ch. 14,

§ 1, 45 Stat. 54; May 17, 1932, ch. 190, 47 Stat. 158; June 25, 1948, ch. 646, § 21, 62 Stat. 990.)

REFERENCES IN TEXT

The laws of the United States relating to appeals, certiorari, removal of causes, and other matters or proceedings, referred to in text, are classified to Title 28, Judiciary and Judicial Procedure.

CODIFICATION

"United States District Court for the District of Puerto Rico" was substituted for "District Court of the United States for Puerto Rico" in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that "There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district" and section 119 of Title 28, which states that "Puerto Rico constitutes one judicial district."

PRIOR PROVISIONS

Act Mar. 3, 1911, ch. 231, § 244, repealed by act Jan. 28, 1915, ch. 22, § 3, 38 Stat. 804, related to direct appeals from The Supreme Court and the United District Court for Puerto Rico to the United States Supreme Court.

Provisions similar to this section were contained in act Apr. 12, 1900, ch. 191, § 34, 31 Stat. 85.

AMENDMENTS

1948—Act June 25, 1948, omitted provisions relating to the term of district court and appeals to the circuit court.

1928—Act Jan. 31, 1928, abolished writ of error in civil and criminal cases and made all relief formerly obtained by writ of error obtainable by appeal.

1925—Act Feb. 13, 1925, ch. 229, § 13, repealed provisions of this section permitting a direct review by the Supreme Court of cases in the courts in Puerto Rico.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

EFFECTIVE DATE OF 1948 AMENDMENT

Amendment by act June 25, 1948, effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

REPEALS

Section 39 of act June 25, 1948, repealed section 1 of act Feb. 13, 1925, ch. 229, 43 Stat. 936, which authorized review in the Circuit Court of Appeals in the First Circuit.

FEDERAL RULES OF CIVIL PROCEDURE

Application of rules, see rule 1, Title 28, Appendix, Judiciary and Judicial Procedure.

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54, Title 18, Appendix, Crimes and Criminal Procedure.

CROSS REFERENCES

Removal of cases from State courts, see section 1441 et seq. of Title 28, Judiciary and Judicial Procedure.

Review generally, see section 2101 et seq. of Title 28.

Supreme Court—

Direct appeals from decisions invalidating Acts of Congress, see section 1252 of Title 28.

Jurisdiction and venue generally, see section 1251 et seq. of Title 28.

§ 865. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section, acts Mar. 2, 1917, ch. 145, § 43, 39 Stat. 966; Feb. 13, 1925, ch. 229, § 13, 43 Stat. 942; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54, related to writs of error and appeals, and is now covered by section 1294 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal of section effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 866. Omitted

CODIFICATION

Section, act Apr. 12, 1900, ch. 191, § 35, 31 Stat. 85, which provided that all proceedings in Supreme Court of United States to review decisions of Supreme Court of Puerto Rico and the District Court of the United States for Puerto Rico, should be conducted in the English language, was omitted from the Code as obsolete.

§ 867. Repealed. Pub. L. 90-274, § 103(g), Mar. 27, 1968, 82 Stat. 63

Section, act Mar. 2, 1917, ch. 145, § 44, 39 Stat. 966, set out the qualifications for jurors in the District Court of the United States for Puerto Rico as different from those set by local law and directed that juries be selected, drawn, and subject to exemption in accordance with laws of Congress insofar as locally applicable.

EFFECTIVE DATE OF REPEAL

Repeal of section effective 270 days after Mar. 27, 1968, except as to cases in which an indictment is returned or petit jury is empaneled prior to such effective date, see section 104 of Pub. L. 90-274, set out as an Effective Date of 1968 Amendment note under section 1861 of Title 28, Judiciary and Judicial Procedure.

§ 868. Fees part of United States revenues

All fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the United States District Court for the District of Puerto Rico. The sum of $500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.

(Mar. 2, 1917, ch. 145, § 45, 39 Stat. 966; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

"United States District Court for the District of Puerto Rico" was substituted for "District Court of the United States for Puerto Rico" in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that "There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district" and section 119 of Title 28, which states that "Puerto Rico constitutes one judicial district".

PRIOR PROVISIONS

Provisions similar to this section were contained in act Mar. 2, 1901, ch. 812, § 2, 31 Stat. 953.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

§ 869. Fees payable by United States out of revenue of Puerto Rico

Such fees and expenses as are payable by the United States if earned or incurred in connection with a district court of the United States shall be paid from the revenue of Puerto Rico if earned or incurred in connection with the United States District Court for the District of Puerto Rico.

(Mar. 2, 1901, ch. 812, § 2, 31 Stat. 953; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

"United States District Court for the District of Puerto Rico" was substituted for "District Court of the United States for Puerto Rico" in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that "There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district" and section 119 of Title 28 which states that "Puerto Rico constitutes one judicial district".

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

As originally enacted, so much of section 2 of act Mar. 2, 1901, as is pertinent here, was as follows: "Such fees and expenses as are payable by the United States, if earned or incurred in connection with a circuit or district court of the United States, shall be paid from the revenues of Porto Rico, if earned or incurred in connection with the district court of the United States for Porto Rico."

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

§ 870. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section, acts Mar. 2, 1917, ch. 145, § 46, 39 Stat. 966; Feb. 26, 1919, ch. 49, §§ 2, 4, 40 Stat. 1182; Aug. 7, 1939, ch. 501, § 6, 53 Stat. 1226, related to salaries of district court officials, and is now covered by section 604 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal of section effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 871. Omitted

CODIFICATION

Section, acts Mar. 2, 1917, ch. 145, § 47, 39 Stat. 967; May 17, 1932, ch. 190, 47 Stat. 158, which related to fees and mileage of jurors and witnesses, was omitted from the Code as superseded by sections 1821, 1825 and 1871 of Title 28, Judiciary and Judicial Procedure.

§ 872. Habeas corpus; mandamus; suit to restrain assessment or collection of taxes

The supreme and district courts of Puerto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district courts of the United States, and the district courts may grant writs of mandamus in all proper cases.

No suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Puerto Rico shall be maintained in the United States District Court for the District of Puerto Rico.

(Mar. 2, 1927, ch. 145, § 48, 39 Stat. 967; Mar. 4, 1927, ch. 503, § 7, 44 Stat. 1421; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

"United States District Court for the District of Puerto Rico" was substituted for "District Court of the United States for Puerto Rico" in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that "There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district" and section 119 of Title 28 which states that "Puerto Rico constitutes one judicial district".

AMENDMENTS

1927—Act Mar. 4, 1927, added second paragraph.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

FEDERAL RULES OF CIVIL PROCEDURE

Abolishment of writ of mandamus, see rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

Rules of civil procedure for district courts, see section 2072 of Title 28, Judiciary and Judicial Procedure.

CROSS REFERENCES

Habeas corpus, see section 2241 et seq. of Title 28, Judiciary and Judicial Procedure.

Suspension of privilege of writ of habeas corpus by Legislative Assembly, see Art. II, § 13, of Commonwealth Constitution, set out under section 731d of this title.

Writs, issuance of, see section 1651 of Title 28, Judiciary and Judicial Procedure.

§ 873. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section, acts Mar. 2, 1917, ch. 145, § 49, 39 Stat. 967; May 17, 1932, ch. 190, 47 Stat. 158, related to the appointment of judges, marshals and secretaries. Subject matter is now covered by Art. V, § 8, of the Constitution of the Commonwealth of Puerto Rico, set out under section 731d of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective July 25, 1952, upon the effective date of the constitution of the commonwealth of Puerto Rico, see Effective Date of Repeal note under section 732 of this title.

§ 873a. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section, act Feb. 12, 1940, ch. 25, § 1, 54 Stat. 22, which related to rules governing civil cases, is now covered by section 2072 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal of section effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 874. Judicial process; officials to be citizens of United States; oath

All judicial process shall run in the name of "United States of America, ss, the President of

the United States", and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of "The People of Puerto Rico." All officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Puerto Rico.

(Mar. 2, 1917, ch. 145, § 10, 39 Stat. 954; May 17, 1932, ch. 190, 47 Stat. 158.)

PRIOR PROVISIONS

Provisions similar to this section were contained in act Apr. 12, 1900, ch. 191, § 16, 31 Stat. 81.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

FEDERAL RULES OF CIVIL PROCEDURE

Rules of civil procedure for district courts, see section 2072 of Title 28, Judiciary and Judicial Procedure.

CROSS REFERENCES

Criminal actions to be conducted in the name of "The People of Puerto Rico" until otherwise provided by law, see Art. VI, § 18, of Commonwealth Constitution, set out as a note under section 731d of this title.

§§ 875, 876. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section 875, act Mar. 2, 1917, ch. 145, § 55, 39 Stat. 968, which related to continuation of court's jurisdiction, is not now covered as it is executed.

Section 876, act Jan. 7, 1913, ch. 6, 37 Stat. 648, related to temporary judge.

EFFECTIVE DATE OF REPEAL

Repeal of sections 875 and 876 effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER V—RESIDENT COMMISSIONER

§ 891. Resident Commissioner; election

The qualified electors of Puerto Rico shall choose a Resident Commissioner to the United States at each general election, whose term of office shall be four years from the 3d of January following such general election, and who shall be entitled to receive official recognition as such commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Puerto Rico.

(Mar. 2, 1917, ch. 145, § 36, 39 Stat. 963; May 17, 1932, ch. 190, 47 Stat. 158; June 5, 1934, ch. 390, § 5, 48 Stat. 879.)

CODIFICATION

Section is comprised of second sentence of section 36 of act Mar. 2, 1917. The first sentence of section 36, providing for election of a Resident Commissioner to the United States at the next general election for a term commencing with date of issuance of certificate of election and terminating Mar. 4, 1921, was omitted as executed. The other sentences of section 36 are classified to section 46 of Title 2, The Congress, and to sections 892 and 893 of this title. Part of the third sentence of section 36, fixing the salary of the commissioner at $7,500 per annum, was superseded by act Mar. 4, 1925, ch. 549, 43 Stat. 1301, as amended (section 893 of this title and section 31 of Title 2, The Congress), providing, for that commissioner, a salary of $22,500 per annum.

PRIOR PROVISIONS

Similar provisions were contained in act Apr. 12, 1900, ch. 191, § 39, 31 Stat. 86.

The salary allowed by section 39 of act Apr. 12, 1900, was increased by act Feb. 26, 1907, ch. 1635, § 4, 34 Stat. 993.

The resident commissioner was allowed traveling expenses in addition to his salary, and the commencement of his term was fixed by act July 1, 1902, ch. 1383, § 3, 32 Stat. 732.

The manner of paying the salary and traveling expenses of the resident commissioner was fixed by a provision of act June 22, 1906, ch. 3514, § 1, 34 Stat. 417.

AMENDMENTS

1934—Act June 5, 1934, changed the commencement of the term of office from Mar. 4 to Jan. 3 following the general election.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

§ 892. Qualifications of Commissioner; appointment to fill vacancy

No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the governor, by and with the advice and consent of the senate, shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

(Mar. 2, 1917, ch. 145, § 36, 39 Stat. 963.)

CODIFICATION

Section is comprised of fifth sentence of section 36 of act Mar. 2, 1917. See Codification note under section 891 of this title.

§ 893. Salary of commissioner; allowances; franking privilege

The Resident Commissioner shall receive a salary payable monthly by the United States. He shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is allowed Members of the House of Representatives of the United States. He shall be allowed the franking privilege granted Members of Congress.

(Mar. 2, 1917, ch. 145, § 36, 39 Stat. 963; Mar. 4, 1925, ch. 549, § 4, 43 Stat. 1301.)

CODIFICATION

Section is comprised of parts of third and fourth sentences of section 36 of act Mar. 2, 1917. Part of third sentence of section 36, fixing the salary of the commissioner at $7,500 per annum, was superseded by act Mar. 4, 1925, as amended, and set out as section 31 of Title 2, The Congress, providing for that commissioner a salary of $22,500 per annum. Part of the fourth sentence of section 36 is classified to section 46

of Title 2, The Congress. See, also, note under section 891 of this title.

CROSS REFERENCES

Mileage, see section 43 of Title 2, The Congress.
Stationery allowance, see section 46b of Title 2.

§ 894. Salary and traveling expenses; payment

The salary and traveling expenses of the Resident Commissioner from Puerto Rico to the United States shall be paid by the Sergeant-at-Arms of the House of Representatives in the same manner as the salaries of the members of the House of Representatives are paid.

(June 22, 1906, ch. 3514, § 1, 34 Stat. 417; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CHANGE OF NAME

"Puerto Rico" was substituted for "Porto Rico" pursuant to act May 17, 1932, which authorized the redesignation of the island of Porto Rico as Puerto Rico.

CROSS REFERENCES

Mileage, see section 43 of Title 2, The Congress.

SUBCHAPTER VI—SLUM CLEARANCE AND URBAN REDEVELOPMENT PROJECTS

CROSS REFERENCES

Low rent housing projects and elimination of substandard housing, see section 911 et seq. of this title.

§ 910. Slum clearance and urban redevelopment and renewal projects; powers of government

The government of Puerto Rico acting through its legislature, may create a public corporate authority or authorities and may authorize such authority or authorities or any other public corporate authority or any municipal corporation or political subdivision, acting directly or through any officer or agency thereof or through a public corporate authority, to undertake slum clearance and urban redevelopment projects and urban renewal projects and to do all things, exercise any and all powers, and to assume and fulfill any and all obligations, duties, responsibilities, and requirements, including but not limited to those relating to planning and zoning, necessary or desirable for receiving Federal assistance under title I of the Housing Act of 1949 (Public Law 171, Eighty-first Congress), as amended [42 U.S.C. 1450 et seq.], or any other law, except that public corporate authorities (as distinct from municipalities or political subdivisions) created or authorized to operate in accordance with this Act, as amended, shall not be given any power of taxation or any power to pledge the full faith and credit of the people of the Territory, or municipality, or political subdivision, as the case may be, for any loan whatever. The Legislature of Puerto Rico may, with respect to any public corporate authority or authorities empowered or which may be empowered to undertake slum clearance and urban redevelopment projects and urban renewal projects, provide for the appointment and terms of office of the members thereof, and for the powers of such authorities, including authority to accept whatever benefits the Federal Government may make available for slum clearance and urban redevelopment projects and urban renewal projects, and authority, notwithstanding any other Federal law, to borrow money and to issue notes, bonds, and other obligations of such character and maturity, with such security, and in such manner as the respective legislatures may provide. Such notes, bonds, and other obligations shall not be a debt of the United States, or of any Territory or municipal corporation or other political subdivision or agency thereof other than the public corporate authority which issued such notes, bonds, or obligations, nor constitute a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of notes, bonds, or other obligations contained in any laws of the United States applicable to Puerto Rico, or to any municipal corporation or other political subdivision or agency thereof.

(July 18, 1950, ch. 466, title I, § 101, 64 Stat. 344; Aug. 11, 1955, ch. 783, title I, § 107(3), (7), (9), 69 Stat. 637, 638.)

REFERENCES IN TEXT

The Housing Act of 1949 (Public Law 171, Eighty-first Congress), as amended, referred to in text, is act July 15, 1949, ch. 338, 63 Stat. 413 as amended. Title I of the Housing Act of 1949 is classified generally to subchapter II (§ 1450 et seq.) of chapter 8A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables volume.

"This Act", referred to in text, means act July 18, 1950, ch. 466, 64 Stat. 344, known as the Territorial Enabling Act of 1950, which enacted sections 480 to 480b, 483a, 483b, 721 to 721b, 910 to 910b, 1408 to 1408e of this title, amended sections 481, 482, 483, and 722 of this title, and enacted provisions set out as notes under sections 480, 481, and 722 of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

AMENDMENTS

1955—Act Aug. 11, 1955, included urban renewal projects, and inserted "as amended" after "(Public Law 171, Eighty-first Congress)" and after "this Act".

URBAN RENEWAL ACTIVITIES

Financial assistance available for urban renewal projects, see section 107(1), (2) of act Aug. 11, 1955.

§ 910a. Authorization of loans, conveyances, etc., by government and municipalities

The government of Puerto Rico may assist slum clearance and urban redevelopment projects and urban renewal projects through cash donations, loans, conveyances of real and personal property, facilities, and services, and otherwise, and may authorize municipalities or other political subdivisions to make cash donations, loans, conveyances of real and personal property to public corporate authorities and to take other action, including but not limited to the making available or the furnishing of facilities and services, in aid of slum clearance and

urban redevelopment projects and urban renewal projects.

(July 18, 1950, ch. 466, title I, § 102, 64 Stat. 344; Aug. 11, 1955, ch. 783, title I, § 107(3), 69 Stat. 637.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

AMENDMENTS

1955—Act Aug. 11, 1955, included urban renewal projects.

§ 910b. Ratification of prior acts

All legislation heretofore enacted by the Legislature of the Territory of Puerto Rico dealing with the subject matter of this Act and not inconsistent herewith is ratified and confirmed.

(July 18, 1950, ch. 466, title I, § 103, 64 Stat. 345.)

REFERENCES IN TEXT

"This Act", referred to in text, means act July 18, 1950, ch. 466, 64 Stat. 344, known as the Territorial Enabling Act of 1950, which enacted sections 480 to 480b, 483a, 483b, 721 to 721b, 910 to 910b, 1408 to 1408e of this title, amended sections 481, 482, 483, 722 of this title, and enacted provisions set out as notes under sections 480, 481, and 722 of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

SUBCHAPTER VII—LOW RENT HOUSING PROJECTS AND ELIMINATION OF SUBSTANDARD HOUSING

§ 911. Legislative authorization to create authorities

The Legislature of Puerto Rico may create public corporate authorities to undertake slum clearance and projects to provide dwelling accommodations for families of low income.

(June 25, 1938, ch. 703, § 1, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916 of this title.

§ 912. Authority to appoint commissioners; powers of authorities

The Legislature of Puerto Rico may provide for the appointment and terms of the commissioners of such authorities, and for the powers of such authorities, except that such authorities shall be given no power of taxation, and may authorize the commissioners of such authorities to fix the salaries of employees.

(June 25, 1938, ch. 703, § 2, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916 of this title.

§ 913. Authorization of loans, conveyances, etc., by municipalities

The legislature may appropriate funds for and may make and authorize any municipality of Puerto Rico to make loans, donations, and conveyances of money or property to such authorities; may make and authorize any municipality of Puerto Rico to make available its facilities and services to such authorities and take other action in aid of slum clearance or low-rent housing; and may, without regard to any Federal Acts restricting the disposition of public property or lands in Puerto Rico, provide for the use by or disposal to such authorities of any public lands or other property held or controlled by the people of Puerto Rico, its municipalities, or other subdivisions.

(June 25, 1938, ch. 703, § 3, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916 of this title.

§ 914. Issuance of bonds and obligations

The legislature may authorize such authorities to issue bonds or other obligations with such security as the legislature may provide and may provide for the disposition of the proceeds of such bonds and all receipts and revenues of such authorities.

(June 25, 1938, ch. 703, § 4, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916 of this title.

§ 915. Bonds as public debt

Such bonds shall not be a debt of Puerto Rico or any municipality, and shall not constitute a public indebtedness within the meaning of section 745 of this title.

(June 25, 1938, ch. 703, § 5, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916 of this title.

§ 916. Ratification of previous legislation

All legislation heretofore enacted by the Legislature of Puerto Rico dealing with the subject matter of sections 911 to 916 of this title and not inconsistent herewith is ratified and confirmed.

(June 25, 1938, ch. 703, § 6, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1917, ch. 145, 39 Stat. 951, known as the Puerto Rican Federal Relations Act, which comprises this chapter.

CHAPTER 5—THE PHILIPPINE ISLANDS

PHILIPPINE INDEPENDENCE

The independence of the Philippine Islands was recognized and American sovereignty withdrawn by Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued pursuant to section 1394 of Title 22, Foreign Relations and Intercourse, and set out under that section.

CROSS REFERENCES

Philippine Property Act of 1946, see section 1381 et seq. of Title 22, Foreign Relations and Intercourse.

Philippine Trade Act of 1946, see section 1251 et seq. of Title 22.

Philippine Trade Agreement Revision Act of 1955, see section 1371 et seq. of Title 22.

§§ 1001 to 1008. Omitted

CODIFICATION

Sections 1001 to 1008 were omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1001, act Aug. 29, 1916, § 1, 39 Stat. 545, defined the Philippine Islands.

Section 1002, act Aug. 29, 1916, ch. 416, § 2, 39 Stat. 546, related to Philippine citizenship.

Section 1003, act Aug. 29, 1916, ch. 416, § 5, 39 Stat. 547, related to the application of statutory law of United States.

Section 1004, act Aug. 29, 1916, ch. 416, § 6, 39 Stat. 547, related to the continuing force and effect of Philippine laws.

Section 1005, act Aug. 29, 1916, ch. 416, § 7, 39 Stat. 547, related to the power of the Philippine Legislature to modify, repeal, etc., laws.

Section 1006, act Aug. 29, 1916, ch. 416, § 31, 39 Stat. 556, related to laws continued in force.

Section 1007, act Aug. 29, 1916, ch. 416, § 4, 39 Stat. 547, related to payment of expenses of the Philippine government.

Section 1007a, acts Sept. 1, 1937, ch. 898, title V, § 503, 50 Stat. 915; Oct. 15, 1940, ch. 887, 54 Stat. 1178, related to appropriations for financing program of economic adjustment.

Section 1008, act Aug. 29, 1916, ch. 416, § 3, 39 Stat. 546, related to a bill of rights and restrictions for the Islands.

§ 1009. Repealed. Oct. 31, 1951, ch. 655, § 56(d), 65 Stat. 729

Section, act Mar. 8, 1902, ch. 140, § 9, 32 Stat. 55, related to requirements as to evidence in treason cases in the Philippines. Prior to this repeal, it had been omitted from the Code as obsolete in view of the independence of the Philippines.

SAVINGS PROVISIONS

Subsec. (*l*) of section 56 of act Oct. 31, 1951 provided that the repeal of this section should not affect any rights or liabilities existing hereunder on the effective date of that repeal (Oct. 31, 1951).

§§ 1010 to 1019. Omitted

CODIFICATION

Sections 1010 to 1019 were omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1010, acts Aug. 29, 1916, ch. 416, § 11, 39 Stat. 548; July 21, 1921, ch. 51, 42 Stat. 145; May 31, 1922, ch. 203, 42 Stat. 599, related to prohibition against export duties and imposition of taxes and assessments.

Section 1011, acts July 1, 1902, ch. 1369, § 84, 32 Stat. 711; July 1, 1944, ch. 373, title VII, § 711, 58 Stat. 714; Aug. 13, 1946, ch. 958, § 5, 60 Stat. 1049, related to shipping, customs, duties, seamen, and health laws.

Section 1011a, act July 3, 1930, ch. 831, 46 Stat. 851, related to imports consigned to departments and bureaus of United States Government.

Section 1012, act Feb. 6, 1905, ch. 453, § 5, 33 Stat. 692, related to the admission free of duty of railroad material.

Section 1013, act Feb. 6, 1905, ch. 453, § 6, 33 Stat. 692, related to the administration of immigration laws.

Section 1014, act Apr. 29, 1908, ch. 152, § 5, 35 Stat. 70, related to the administration of navigation laws.

Section 1015, act Apr. 29, 1908, ch. 152, § 1, 35 Stat. 70, related to the temporary regulation of transportation of merchandise and passengers.

Section 1016, acts Apr. 29, 1908, ch. 152, § 4, 35 Stat. 70; Aug. 29, 1916, ch. 416, § 22, 39 Stat. 553, related to licenses to certain vessels.

Section 1017, act Apr. 29, 1908, ch. 152, § 3, 35 Stat. 70, related to inapplicability to certain foreign vessels of restrictions on transportation of merchandise and passengers.

Section 1018, act July 1, 1902, ch. 1369, § 11, 32 Stat. 695, related to improvement of harbors and navigable waters.

Section 1019, acts Mar. 22, 1902, ch. 273, 32 Stat. 88; Mar. 2, 1917, ch. 145, § 54, 39 Stat. 968, related to acknowledgment of deeds.

§§ 1041 to 1055. Omitted

CODIFICATION

Sections 1041 to 1055 were omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1041, act Aug. 29, 1916, ch. 416, § 8, 39 Stat. 547, related to the grant of legislative power to the Philippine Legislature.

Section 1042, act Aug. 29, 1916, ch. 416, § 10, 39 Stat. 548, related to Legislature's authority over trade relations tariff acts, and immigration.

Section 1043, act Aug. 29, 1916, ch. 416, § 12, 39 Stat. 548, related to the composition of the Legislature.

Section 1044, act Aug. 29, 1916, ch. 416, § 13, 39 Stat. 549, related to the qualifications and election of senators.

Section 1045, act Aug. 29, 1916, ch. 416, 14, 39 Stat. 549, related to the qualifications and election of representatives.

Section 1046, act Aug. 29, 1916, ch. 416, § 16, 39 Stat. 549, related to senatorial and representative districts.

Section 1047, act Aug. 29, 1916, ch. 416, § 15, 39 Stat. 549, related to qualifications of voters.

Section 1048, act Aug. 29, 1916, ch. 416, § 17, 39 Stat. 550, related to terms of office of senators and representatives.

Section 1049, act Aug. 29, 1916, ch. 416, § 18, 39 Stat. 550, related to legislative sessions.

Section 1050, act Aug. 29, 1916, ch. 416, § 18, 39 Stat. 550, related to the compensation and privileges of members.

Section 1051, act Aug. 29, 1916, ch. 416, § 18, 39 Stat. 550, related to the ineligibility of senators and representatives to hold certain offices.

Section 1052, act Aug. 29, 1916, ch. 416, § 19, 39 Stat. 551, related to the enactment of laws and approval by the President of the United States.

Section 1053, act Aug. 29, 1916, ch. 416, § 19, 39 Stat. 551, related to the failure to make appropriations.

Section 1054, acts Aug. 29, 1916, ch. 416, § 19, 39 Stat. 551; May 29, 1928, ch. 901, § 1, 45 Stat. 996; Feb. 28,

1929, ch. 364, §§ 1, 2, 45 Stat. 1348, related to the reporting of laws to Congress.

Section 1055, acts June 2, 1924, ch. 234, § 261, 43 Stat. 294; Feb. 26, 1926, ch. 27, §§ 261, 1200, 44 Stat. 52, 125, related to income tax laws.

§§ 1071 to 1078. Omitted

CODIFICATION

Sections 1071 to 1078 were omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1071, acts July 1, 1902, ch. 1369, § 9, 32 Stat. 695; Aug. 29, 1916, ch. 416, § 26, 39 Stat. 555, related to jurisdiction of the courts.

Section 1072, act Aug. 29, 1916, ch. 416, § 26, 39 Stat. 555, related to admiralty jurisdiction.

Section 1073, act Aug. 29, 1916, ch. 416, § 26, 39 Stat. 555, related to appointment of chief justice and associate justices of the supreme court.

Section 1074, act Aug. 29, 1916, ch. 416, § 26, 39 Stat. 555, related to appointment of judges of courts of first instance.

Section 1075, acts Aug. 29, 1916, ch. 416, § 29, 39 Stat. 556; May 29, 1928, ch. 904, §§ 1, 2, 45 Stat. 997, related to salaries of judges.

Section 1075a, act May 29, 1928, ch. 904, §§ 1, 2, 45 Stat. 997, related to salaries of judges.

Section 1076, act Apr. 9, 1910, No. 19, 36 Stat. 877, related to special terms of supreme court.

Section 1077, act Feb. 6, 1905, ch. 453, § 7, 33 Stat. 692, related to temporary judges of the supreme court, and was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 639.

Section 1078, act Aug. 29, 1916, ch. 416, § 26, 39 Stat. 555, related to jurisdiction of municipal courts.

§§ 1091 to 1094. Omitted

CODIFICATION

Sections 1091 to 1094 were omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1091, acts Aug. 29, 1916, ch. 416, § 20, 39 Stat. 552; June 5, 1934, ch. 390, § 4, 48 Stat. 879, related to appointment and qualifications of Resident Commissioners.

Section 1092, acts July 1, 1902, ch. 1369, § 8, 32 Stat. 694; Aug. 29, 1916, ch. 416, § 20, 39 Stat. 552, related to temporary appointment of Resident Commissioners.

Section 1093, acts May 22, 1908, ch. 186, § 1, 35 Stat. 188; May 17, 1932, ch. 190, 47 Stat. 158, related to salary of Resident Commissioners.

Section 1094, act Aug. 29, 1916, ch. 416, § 20, 39 Stat. 552, related to allowance for stationery and clerk hire.

§§ 1111 to 1125. Omitted

CODIFICATION

Sections 1111 to 1125 were omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1111, act Aug. 29, 1916, ch. 416, § 21, 39 Stat. 552, related to appointment, powers, and duties of Governor General.

Section 1112, act Aug. 29, 1916, ch. 416, § 23, 39 Stat. 553, related to designation of acting Governor General.

Section 1113, act Aug. 29, 1916, ch. 416, § 23, 39 Stat. 553, related to appointment and duties of Vice Governor.

Section 1114, act Aug. 29, 1916, ch. 416, § 22, 39 Stat. 553, related to increase or decrease in executive departments.

Section 1115, act Aug. 29, 1916, ch. 416, § 22, 39 Stat. 553, related to the bureau of non-christian tribes.

Section 1116, act Aug. 29, 1916, ch. 416, § 24, 39 Stat. 553, related to appointment and duties of auditor.

Section 1117, act Aug. 29, 1916, ch. 416, § 24, 39 Stat. 553, related to the deputy and assistant auditor.

Section 1118, act Aug. 29, 1916, ch. 416, § 24, 39 Stat. 553, related to the administrative jurisdiction of accounts.

Section 1119, act Aug. 29, 1916, ch. 416, § 24, 39 Stat. 553, related to auditor's authority to summon witnesses.

Section 1120, acts Aug. 29, 1916, ch. 416, § 24, 39 Stat. 553; June 10, 1921, ch. 18, §§ 301, 310, 42 Stat. 23, 25, related to the finality of auditor's decisions.

Section 1121, act Aug. 29, 1916, ch. 416, § 24, 39 Stat. 553, related to reports by auditors to Governor General and Secretary of War.

Section 1122, act Aug. 29, 1916, ch. 416, § 24, 39 Stat. 553, related to supervision of auditor's office by Governor General.

Section 1123, act Aug. 29, 1916, ch. 416, § 25, 39 Stat. 554, related to appeals from auditor's decisions.

Section 1124, act Aug. 29, 1916, ch. 416, § 29, 39 Stat. 556, related to salaries of officials.

Section 1125, act Aug. 29, 1916, ch. 416, § 30, 39 Stat. 556, related to compensation of municipal officers out of provincial and municipal revenues.

§§ 1141 to 1156. Omitted

CODIFICATION

Sections 1141 to 1156 were omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1141, act July 1, 1902, ch. 1369, § 76, 32 Stat. 710, related to the establishment of a mint at Manila.

Section 1142, act Mar. 2, 1903, ch. 980, § 1, 32 Stat. 952, related to the establishment of the gold peso as the unit of value.

Section 1143, act Mar. 2, 1903, ch. 980, §§ 2, 3, 32 Stat. 953, related to coinage of silver pesos.

Section 1144, acts July 1, 1902, ch. 1369, § 77, 32 Stat. 710; Mar. 2, 1903, ch. 980, § 4, 32 Stat. 953, related to coinage of subsidiary silver coins.

Section 1145, act Mar. 2, 1903, ch. 980, § 5, 32 Stat. 953, related to the limitations on subsidiary coins as legal tender.

Section 1146, act July 1, 1902, ch. 1369, § 79, 32 Stat. 710, related to coinage of minor coins.

Section 1147, acts July 1, 1902, ch. 1369, § 82, 32 Stat. 711; Mar. 2, 1903, ch. 980, § 11, 32 Stat. 954, related to devices and inscriptions on coins.

Section 1148, acts July 1, 1902, ch. 1369, § 81, 32 Stat. 710; Mar. 2, 1903, ch. 980, § 10, 32 Stat. 954, related to place of coinage.

Section 1149, act Mar. 2, 1903, ch. 980, § 5, 32 Stat. 953, related to purchase of silver bullion and recoinage.

Section 1150, acts July 1, 1902, ch. 1369, § 80, 32 Stat. 710; Mar. 2, 1903, ch. 980, § 9, 32 Stat. 954, related to the purchase of metal.

Section 1151, acts Mar. 2, 1903, ch. 980, § 6, 32 Stat. 953; July 21, 1921, ch. 51, 42 Stat. 146, related to gold and silver peso parity.

Section 1152, act June 23, 1906, ch. 3521, § 1, 34 Stat. 453, related to change in weight and fineness of silver coins.

Section 1153, acts Mar. 2, 1903, ch. 980, § 8, 32 Stat. 954; Feb. 6, 1905, ch. 453, § 10, 33 Stat. 697; June 23, 1906, ch. 3521, § 2, 34 Stat. 453, related to redemption of silver certificates.

Section 1154, act Mar. 2, 1903, ch. 980, § 12, 32 Stat. 954, related to drawings, designs, and plates.

Section 1155, act Mar. 2, 1903, ch. 980, § 7, 32 Stat. 954, related to previously used silver coins as legal tender.

Section 1156, act July 1, 1902, ch. 1369, § 83, 32 Stat. 711, related to redemption and reissue of defective coins.

§ 1157. Transferred

CODIFICATION

Section 1157, acts June 11, 1934, ch. 445, 48 Stat. 929; Aug. 7, 1946, ch. 809, § 1, 60 Stat. 901, which related to deposits of public money in the United States Treasury, and which had been transferred to section 1333 of Title 22, Foreign Relations and Intercourse, terminated on July 1, 1951, under the provisions of section 2 of act Aug. 7, 1946.

§§ 1171 to 1173. Omitted

CODIFICATION

Sections 1171 to 1173 were omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1171, act Aug. 29, 1916, ch. 416, § 28, 39 Stat. 555, related to the granting of franchises and rights and compensation for property taken or damaged.

Section 1172, act Aug. 29, 1916, ch. 416, § 28, 39 Stat. 555, related to involuntary servitude and penalties therefor.

Section 1173, act July 1, 1902, ch. 1369, § 75, 32 Stat. 709, related to corporation engaged in real estate business.

§§ 1191 to 1202. Omitted

CODIFICATION

Sections 1191 to 1202 were omitted from the Code as obsolete in view of the recognition of Philippine independence. See note preceding sections 1171 to 1173 of this title.

Section 1191, acts Aug. 29, 1916, ch. 416, § 11, 39 Stat. 548; July 21, 1921, ch. 51, 42 Stat. 145; May 31, 1922, ch. 203, 42 Stat. 599, related to bond issues to anticipate taxes and revenue.

Section 1192, act Feb. 6, 1905, ch. 453, § 2, 33 Stat. 689, related to bond issues for public improvements.

Section 1193, act Feb. 6, 1905, ch. 453, § 1, 33 Stat. 689, related to government bonds as exempt from taxation.

Section 1194, acts July 1, 1902, ch. 1369, § 66, 32 Stat. 707; Feb. 6, 1905, ch. 453, § 3, 33 Stat. 690, related to municipal indebtedness for improvements.

Section 1195, act July 1, 1902, ch. 1369, § 67, 32 Stat. 707, related to denominations of bonds.

Section 1196, act July 1, 1902, ch. 1369, § 68, 32 Stat. 708, related to use of funds from sale of bonds.

Section 1197, act July 1, 1902, ch. 1369, § 69, 32 Stat. 708, related to taxes to pay bonds and creation of a sinking fund.

Section 1198, act July 1, 1902, ch. 1369, §§ 70, 71, 32 Stat. 708, related to bonds for sewers and water supply in Manila.

Section 1199, act July 1, 1902, ch. 1369, § 72, 32 Stat. 708, related to use of funds from sale of bonds for sewers and water supply in Manila.

Section 1200, act July 1, 1902, ch. 1369, § 73, 32 Stat. 708, related to taxes and sinking fund for payment of bonds for sewers and water supply in Manila.

Section 1201, act Feb. 6, 1905, ch. 453, § 4, 33 Stat. 690, related to guarantee of railroad bonds and the contract of guaranty.

Section 1202, act Feb. 6, 1905, ch. 453, § 4, 33 Stat. 690, related to jurisdiction of Supreme Court of Philippines over actions brought under section 1201 of this title.

§§ 1221 to 1226. Omitted

CODIFICATION

Sections 1221 to 1226 were omitted from the Code as obsolete in view of the recognition of Philippine independence. See note preceding sections 1171 to 1173 of this title.

Section 1221, act Aug. 29, 1916, ch. 416, § 9, 39 Stat. 547, related to restoration of public property and lands ceded to United States by Spain to the Philippine Legislature.

Section 1222, act Aug. 29, 1916, ch. 416, § 9, 39 Stat. 547, related to approval by President of acts regulating public domain, mining, and timber.

Section 1223, acts July 1, 1902, ch. 1369, § 14, 32 Stat. 696; Aug. 29, 1916, ch. 416, § 12, 39 Stat. 548, related to perfecting titles of claimants from Spain.

Section 1224, act July 1, 1902, ch. 1369, § 63, 32 Stat. 706, related to authority of Government to acquire real and personal property.

Section 1225, acts July 1, 1902, ch. 1369, § 64, 32 Stat. 706; Aug. 29, 1916, ch. 416, §§ 12, 22, 39 Stat. 548, 553, related to the acquisition of property of religious orders.

Section 1226, act July 1, 1902, ch. 1369, § 65, 32 Stat. 707, related to use of lands acquired from religious orders as public property.

§§ 1231 to 1234. Omitted

CODIFICATION

Sections 1231 to 1234 were omitted from the Code as obsolete in view of the recognition of Philippine independence. See note preceding sections 1171 to 1173 of this title.

Section 1231, acts Jan. 17, 1933, ch. 11, § 1, 47 Stat. 761; Mar. 24, 1934, ch. 84, § 1, 48 Stat. 456, related to a convention to frame a constitution for Philippines. Section 1 of act Jan. 17, 1933, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648.

Section 1232, acts Jan. 17, 1933, ch. 11, § 10, 47 Stat. 768; Mar. 24, 1934, ch. 84, § 2, 48 Stat. 457; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7515, 60 Stat. 1352, related to mandatory provisions of constitution.

Section 1233, acts Jan. 17, 1933, ch. 11, § 3, 47 Stat. 763; Mar. 24, 1934, ch. 84, § 3, 48 Stat. 458, related to the submission of the proposed constitution to the President of the United States.

Section 1234, acts Jan. 17, 1933, ch. 11, § 4, 47 Stat. 763; Mar. 24, 1934, ch. 84, § 4, 48 Stat. 458, related to submission of constitution to Filipino people.

§§ 1235 to 1236. Transferred

CODIFICATION

Section 1235, act Mar. 24, 1934, ch. 84, § 5, 48 Stat. 459, related to transfer of property and rights to Philippine Commonwealth and was transferred to section 1391 of Title 22, Foreign Relations and Intercourse.

Section 1235a, act June 29, 1944, ch. 322, § 2, 58 Stat. 626, related to acquisition of military and naval bases by United States, and has been transferred to section 1392 of Title 22, Foreign Relations and Intercourse.

Section 1236, acts Mar. 24, 1934, ch. 84, § 6, 48 Stat. 459; Aug. 7, 1939, ch. 502, § 1, 53 Stat. 1226; Apr. 30, 1946, ch. 244, title V, § 511(2), 60 Stat. 158; Sept. 22, 1959, Pub. L. 86-346, title I, § 104(1), 73 Stat. 622, related to supplementary sinking fund for bond payments, purchase of bonds by United States, and creation of special trust account, and has been transferred to section 1393 of Title 22, Foreign Relations and Intercourse.

§§ 1236a. Omitted

CODIFICATION

Section 1236a, act June 14, 1935, ch. 240, §§ 1 to 5, 49 Stat. 340, which fixed the quantity of Manila and other fibre products, produced in the Philippine Islands, to be admitted into the United States duty free,

by its own terms originally expired three years from May 1, 1935. By Proc. No. 2272, eff. Jan. 26, 1938, 3 F.R. 222, 52 Stat. 1534, the effective period was extended for an additional three years from and including May 1, 1938.

§§ 1236b to 1237c. Omitted

CODIFICATION

Sections 1236b to 1237c were omitted from the Code as obsolete in view of the recognition of Philippine independence. See note preceding sections 1171 to 1173 of this title.

Section 1236b, act Dec. 22, 1941, ch. 617, § 1, 55 Stat. 852, related to export tax rate and temporary suspension.

Section 1236c, act Dec. 22, 1941, ch. 617, § 2, 55 Stat. 852, related to reduction of export quotas and temporary suspension.

Section 1237, acts Jan. 17, 1933, ch. 11, § 7, 47 Stat. 765; Mar. 24, 1934, ch. 84, § 7, 48 Stat. 460, related to government relations and appointment and duties of the High Commissioner to the Philippines.

Section 1237a, acts Mar. 21, 1935, ch. 36, title I, 49 Stat. 59; May 15, 1936, ch. 404, § 1, 49 Stat. 1306; July 19, 1937, ch. 511, § 1, 50 Stat. 516; June 11, 1938, ch. 348, § 1, 52 Stat. 669; June 28, 1939, ch. 246, § 1, 53 Stat. 858; June 18, 1940, ch. 395, § 1, 54 Stat. 410; June 28, 1941, ch. 259, § 1, 55 Stat. 309; July 2, 1942, ch. 473, § 1, 56 Stat. 510; July 12, 1943, ch. 219, § 1, 57 Stat. 454, related to salaries of legal advisor and financial expert.

Section 1237b, act June 5, 1936, ch. 519, 49 Stat. 1478, related to the appointment powers, and duties of the acting High Commissioner, and was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649.

Section 1237c, act Aug. 11, 1937, ch. 581, §§ 1–3, 50 Stat. 621, 622, related to the authorization to Chief Clerk and Assistant Chief Clerk of High Commissioner to administer oaths.

§ 1238. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(35), 66 Stat. 279

Section, acts Jan. 17, 1933, ch. 11, § 8, 47 Stat. 767; Mar. 24, 1934, ch. 84, § 8, 48 Stat. 462; Aug. 7, 1939, ch. 502, § 2, 53 Stat. 1230, related to immigration. See section 1151 et seq. of Title 8, Aliens and Nationality.

§§ 1238a, 1239. Omitted

CODIFICATION

Section 1238a, act Aug. 7, 1939, ch. 502, § 8, 53 Stat. 1234, related to the assignment of Foreign Service Officers to Philippines and was omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695, eff., July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1239, acts Jan. 17, 1933, ch. 11, § 9, 47 Stat. 768; Mar. 24, 1934, ch. 84, § 9, 48 Stat. 463, related to obligation of United States as to Philippine bonds and exemption of bonds from taxation. See section 1238a of this title.

§ 1240. Transferred

CODIFICATION

Section, acts Mar. 24, 1934, ch. 84, § 10, 48 Stat. 463; Aug. 7, 1939, ch. 502, § 3, 53 Stat. 1230, related to recognition of Philippine independence, withdrawal of American sovereignty, and property for diplomatic purposes, and was transferred to section 1394 of Title 22, Foreign Relations and Intercourse.

§§ 1241 to 1243. Omitted

CODIFICATION

Section 1241, acts Jan. 17, 1933, ch. 11, § 11, 47 Stat. 769; Mar. 24, 1934, ch. 84, § 11; 48 Stat. 463, related to neutralization of the Philippines and was omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695, eff., July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1242, acts Jan. 17, 1933, ch. 11, § 12, 47 Stat. 769; Mar. 24, 1934, ch. 84, § 12, 48 Stat. 463, related to notification to foreign governments of Philippine Independence. See section 1241 of this title.

Section 1243, acts Jan. 17, 1933, ch. 11, § 13, 47 Stat. 769; Mar. 24, 1934, ch. 84, § 13, 48 Stat. 464; Aug. 7, 1939, ch. 502, § 4, 53 Stat. 1231; June 29, 1944, ch. 323, § 1, 58 Stat. 626; Apr. 30, 1946, ch. 244, title V, § 511(3), 60 Stat. 158, related to the establishment of the Filipino Rehabilitation Commission. See section 1241 of this title.

§ 1244. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(35), 66 Stat. 279

Section, acts Jan. 17, 1933, ch. 11, § 14, 47 Stat. 769; Mar. 24, 1934, ch. 84, § 14, 48 Stat. 464, related to immigration after independence. See now section 1151 et seq. of Title 8, Aliens and Nationality.

§ 1245. Omitted

CODIFICATION

Section, acts Jan. 17, 1933, ch. 11, § 15, 47 Stat. 769; Mar. 24, 1934, ch. 84, § 15, 48 Stat. 464, related to statutes continued in force and was omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695 of 1946, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

§ 1246. Transferred

CODIFICATION

Section, act Mar. 24, 1934, ch. 84, § 16, 48 Stat. 464, was a saving clause, and has been transferred to a note under section 1391 of Title 22, Foreign Relations and Intercourse.

§ 1247. Omitted

CODIFICATION

Section, acts Jan. 17, 1933, ch. 11, § 17, 47 Stat. 770; Mar. 24, 1934, ch. 84, § 17, 48 Stat. 465, related to effective date and was omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695 of 1946, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

§ 1247a. Transferred

CODIFICATION

Section, act Mar. 24, 1934, ch. 84, § 18 as added Aug. 7, 1939, ch. 502, § 5, 53 Stat. 1231, related to definitions, and has been transferred to section 1395 of Title 22, Foreign Relations and Intercourse.

§§ 1248, 1249. Omitted

CODIFICATION

Section 1248, act Mar. 24, 1934, ch. 84, § 19, as added Aug. 7, 1939, ch. 502, § 6, 53 Stat. 1232, related to disposition of tax proceeds and was omitted from the Code as obsolete in view of the recognition of Philippine independence by Proc. No. 2695 of 1946, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and set out thereunder.

Section 1249, act Nov. 8, 1945, ch. 454, 59 Stat. 577, related to disposition of excise tax proceeds into general funds of Philippine Treasury. See section 1248 of this title.

§§ 1251 to 1257. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(38), 66 Stat. 280

Section 1251, acts July 10, 1935, ch. 376, § 1, 49 Stat. 478; July 27, 1939, ch. 390, § 1, 53 Stat. 1133; 1940 Reorg. Plan No. V, § 1, eff. June 14, 1940, 5 F.R. 2223, 54 Stat. 1238, related to the return of native Filipinos residing in the United States to the Philippines.

Section 1252, acts July 10, 1935, ch. 376, § 2, 49 Stat. 478; July 27, 1939, ch. 390, § 2, 53 Stat. 1133; 1940 Reorg. Plan No. V, § 1, eff. June 14, 1940, 5 F.R. 2223, 54 Stat. 1238, related to contracts for transportation.

Section 1253, acts July 10, 1935, ch. 376, § 3, 49 Stat. 478; July 27, 1939, ch. 390, § 3, 53 Stat. 1133; 1940 Reorg. Plan No. V, § 1, eff. June 14, 1940, 5 F.R. 2223, 54 Stat. 1238, related to rules and regulations.

Section 1254, acts July 10, 1935, ch. 376, § 4, 49 Stat. 479; July 27, 1939, ch. 330, § 4, 53 Stat. 1134, related to returning to the United States.

Section 1255, acts July 10, 1935, ch. 376, § 5, 49 Stat. 479; July 27, 1939, ch. 390, § 5, 53 Stat. 1134; 1940 Reorg. Plan No. V, § 1, eff. June 14, 1940, 5 F.R. 2223, 54 Stat. 1238, related to authorization of appropriations.

Section 1256, acts July 10, 1935, ch. 376, § 6, 49 Stat. 479; June 4, 1936, ch. 497, 49 Stat. 1462; May 14, 1937, ch. 184, 50 Stat. 165; July 27, 1939, ch. 390, § 6, 53 Stat. 1134; 1940 Reorg. Plan No. V, § 1, eff. June 14, 1940, 5 F.R. 2223, 54 Stat. 1238, related to a time limit for applications.

Section 1257, acts July 10, 1935, ch. 376, § 7, 49 Stat. 479; July 27, 1939, ch. 390, § 7, 53 Stat. 1134, related to deportation.

§§ 1261 to 1264. Transferred

CODIFICATION

Section 1261, act Apr. 30, 1946, ch. 244, title II, § 201, 60 Stat. 143, related to free entry of Philippine articles and was transferred to section 1251 of Title 22, Foreign Relations and Intercourse.

Section 1261a, act Apr. 30, 1946, ch. 244, title II, § 202, 60 Stat. 143, related to ordinary customs duties on Philippine articles and was transferred to section 1252 of Title 22.

Section 1261b, act Apr. 30, 1946, ch. 244, title II, § 203, 60 Stat. 144, related to customs duties other than ordinary and was transferred to section 1253 of Title 22.

Section 1261c, act Apr. 30, 1946, ch. 244, title II, § 204, 60 Stat. 144, related to equality in special import duties and was transferred to section 1254 of Title 22.

Section 1261d, act Apr. 30, 1946, ch. 244, title II, § 205, 60 Stat. 144, related to equality in duties on products of Philippines and was transferred to section 1255 of Title 22.

Section 1262, act Apr. 30, 1946, ch. 244, title II, § 211, 60 Stat. 144, related to absolute quota on sugars and was transferred to section 1261 of Title 22.

Section 1262a, act Apr. 30, 1946, ch. 244, title II, § 212, 60 Stat. 145, related to absolute quota on cordage and was transferred to section 1262 of Title 22.

Section 1262b, act Apr. 30, 1946, ch. 244, title II, § 213, 60 Stat. 145, related to absolute quota on rice and was transferred to section 1263 of Title 22.

Section 1262c, act Apr. 30, 1946, ch. 244, title II, § 214, 60 Stat. 146, related to absolute and duty free quotas on certain articles and was transferred to section 1264 of Title 22.

Section 1262d, act Apr. 30, 1946, ch. 244, title II, § 215, 60 Stat. 147, related to laws putting into effect allocations of quotas and was transferred to section 1265 of Title 22.

Section 1262e, act Apr. 30, 1946, ch. 244, title II, § 216, 60 Stat. 147, related to transfers and assignments of quota allocations and was transferred to section 1266 of Title 22.

Section 1263, act Apr. 30, 1946, ch. 244, title II, § 221, 60 Stat. 147, related to equality in internal taxes and was transferred to section 1271 of Title 22.

Section 1263a, act Apr. 30, 1946, ch. 244, title II, § 222, 60 Stat. 148, related to exemption from tax of manila fiber and was transferred to section 1272 of Title 22.

Section 1263b, act Apr. 30, 1946, ch. 244, title II, § 223, 60 Stat. 148, related to prohibition of export taxes and was transferred to section 1273 of Title 22.

Section 1263c, act Apr. 30, 1946, ch. 244, title II, § 224, 60 Stat. 148, related to exemption from taxes of articles of official use and was transferred to section 1274 of Title 22.

Section 1264, act Apr. 30, 1946, ch. 244, title II, § 231, 60 Stat. 148, related to certain Philippine citizens granted non-quota status and was transferred to section 1281 of Title 22.

§§ 1266 to 1270b. Transferred

CODIFICATION

Section 1266, act Apr. 30, 1946, ch. 244, title III, § 301, 60 Stat. 148, related to a statement of purposes for title III of act Apr. 30, 1946, and was transferred to section 1291 of Title 22, Foreign Relations and Intercourse.

Section 1267, act Apr. 30, 1946, ch. 244, title III, § 311, 60 Stat. 149, related to free entry of United States articles, and was transferred to section 1301 of Title 22.

Section 1267a, act Apr. 30, 1946, ch. 244, title III, § 312, 60 Stat. 149, related to ordinary customs duties on United States articles, and was transferred to section 1302 of Title 22.

Section 1267b, act Apr. 30, 1946, ch. 244, title III, § 313, 60 Stat. 149, related to customs duties other than ordinary, and was transferred to section 1303 of Title 22.

Section 1267c, act Apr. 30, 1946, ch. 244, title III, § 314, 60 Stat. 150, related to equality in special import duties, and was transferred to section 1304 of Title 22.

Section 1267d, act Apr. 30, 1946, ch. 244, title III, § 315, 60 Stat. 150, related to equality in duties on products of the United States, and was transferred to section 1305 of Title 22.

Section 1268, act Apr. 30, 1946, ch. 244, title III, § 321, 60 Stat. 150, related to equality in internal taxes, and was transferred to section 1311 of Title 22.

Section 1268a, act Apr. 30, 1946, ch. 244, title III, § 322, 60 Stat. 150, related to prohibition of export taxes, and was transferred to section 1312 of Title 22.

Section 1268b, act Apr. 30, 1946, ch. 244, title III, § 323, 60 Stat. 150, related to exemption from taxes of articles for official use, and was transferred to section 1313 of Title 22.

Section 1269, act Apr. 30, 1946, ch. 244, title III, § 331, 60 Stat. 151, related to certain United States citizens given non-quota status, and was transferred to section 1321 of Title 22.

Section 1269a, act Apr. 30, 1946, ch. 244, title III, § 332, 60 Stat. 151, related to immigration of United States citizens into the Philippines, and was transferred to section 1322 of Title 22.

Section 1270, act Apr. 30, 1946, ch. 244, title III, § 341, 60 Stat. 151, related to rights of U.S. citizens and businesses in natural resources, and was transferred to section 1331 of Title 22.

Section 1270a, act Apr. 30, 1946, ch. 244, title III, § 342, 60 Stat. 151, related to currency stabilization, and was transferred to section 1332 of Title 22.

Section 1270b, act Apr. 30, 1946, ch. 244, title III, § 343, 60 Stat. 151, related to allocation of quotas, and has been transferred to section 1334 of Title 22.

§§ 1272 to 1272g. Transferred

CODIFICATION

Section 1272, act Apr. 30, 1946, ch. 244, title IV, § 401, 60 Stat. 151, related to authorization of an executive agreement between the Philippines and the United States and was transferred to section 1341 of Title 22, Foreign Relations and Intercourse.

Section 1272a, act Apr. 30, 1946, ch. 244, title IV, § 402, 60 Stat. 152, related to obligations of the Philippines, and was transferred to section 1342 of Title 22.

Section 1272b, act Apr. 30, 1946, ch. 244, title IV, § 403, 60 Stat. 153, related to obligations of the United States, and was transferred to section 1343 of Title 22.

Section 1272c, act Apr. 30, 1946, ch. 244, title IV, § 404, 60 Stat. 153, related to termination of agreement, and was transferred to section 1344 of Title 22.

Section 1272d, act Apr. 30, 1946, ch. 244, title IV, § 405, 60 Stat. 154, related to effect of termination of agreement, and was transferred to section 1345 of Title 22.

Section 1272e, act Apr. 30, 1946, ch. 244, title IV, § 406, 60 Stat. 154, related to interpretation of agreement, and was transferred to section 1346 of Title 22.

Section 1272f, act Apr. 30, 1946, ch. 244, title IV, § 407, 60 Stat. 154, related to termination of authority to make agreement, and was transferred to section 1347 of Title 22.

Section 1272g, act Apr. 30, 1946, ch. 244, title IV, § 408, 60 Stat. 154, related to effective date of agreement, and was transferred to section 1348 of Title 22.

§§ 1274 to 1274i. Transferred

CODIFICATION

Section 1274, act Apr. 30, 1946, ch. 244, title V, § 501, 60 Stat. 155, related to suspension and termination of agreement in case of discrimination, and was transferred to section 1351 of Title 22, Foreign Relations and Intercourse.

Section 1274a, act Apr. 30, 1946, ch. 244, title V, § 502, 60 Stat. 155, related to suspension of title I of act Apr. 30, 1946, and was transferred to section 1352 of Title 22.

Section 1274b, act Apr. 30, 1946, ch. 244, title V, § 503, 60 Stat. 156, related to customs duties on importations from Philippines, and was transferred to section 1353 of Title 22.

Section 1274c, act Apr. 30, 1946, ch. 244, title V, § 504, 60 Stat. 156, related to quotas on Philippine articles, and was transferred to section 1354 of Title 22.

Section 1274d, act Apr. 30, 1946, ch. 244, title V, § 505(b), 60 Stat. 157, related to suspension of processing tax on coconut oil, and was transferred to section 1355 of Title 22.

Section 1274e, act Apr. 30, 1946, ch. 244, title V, § 506(a), 60 Stat. 157, related to termination of payments into Philippine treasury, and was transferred to section 1356 of Title 22.

Section 1274f, act Apr. 30, 1946, ch. 244, title V, § 508, 60 Stat. 158, related to trade agreements with the Philippines, and was transferred to section 1357 of Title 22.

Section 1274g, act Apr. 30, 1946, ch. 244, title V, § 509, 60 Stat. 158, related to rights of third countries, and was transferred to section 1358 of Title 22.

Section 1274h, act Apr. 30, 1946, ch. 244, title V, § 510, 60 Stat. 158, related to administration of title I of act Apr. 30, 1946, and was transferred to section 1359 of Title 22.

Section 1274i, act Apr. 30, 1946, ch. 244, title I, § 2, 60 Stat. 141, related to definitions of terms used in act Apr. 30, 1946, and was transferred to section 1360 of Title 22.

§§ 1276 to 1276e. Transferred

CODIFICATION

Section 1276, act July 3, 1946, ch. 536, § 2, 60 Stat. 418, related to retention by United States of title to real and personal property, and was transferred to section 1381 of Title 22, Foreign Relations and Intercourse.

Section 1276a, acts July 3, 1946, ch. 536, § 3, 60 Stat. 418; Dec. 21, 1950, ch. 1144, 64 Stat. 1116, related to administration of trading with the enemy provisions in the Philippines, and was transferred to section 1382 of Title 22.

Section 1276b, act July 3, 1946, ch. 536, § 4, 60 Stat. 419, related to transfer of property by the President of the United States, and was transferred to section 1383 of Title 22.

Section 1276c, act July 3, 1946, ch. 536, § 5, 60 Stat. 419, related to transfer of shares of corporations owning agricultural lands, and was transferred to section 1384 of Title 22.

Section 1276d, act July 3, 1946, ch. 536, § 6, 60 Stat. 419, related to ownership of naval reservations, diplomatic property etc., and was transferred to section 1385 of Title 22.

Section 1276e, act July 3, 1946, ch. 536, § 7, 60 Stat. 420, related to defining terms for purposes of act July 3, 1946, and was transferred to section 1386 of Title 22.

CHAPTER 6—CANAL ZONE

CANAL ZONE CODE

Pub. L. 87-845, Oct. 18, 1962, 76A Stat. 1, revised and codified into the "Canal Zone Code" all the general and permanent laws relating to and in force in the Canal Zone as of Oct. 18, 1962, other than the general laws of the United States relating to or applying in the Canal Zone.

Act June 19, 1934, ch. 667, 48 Stat. 1122, enacted the "Canal Zone Code" to establish conclusively and be deemed to embrace all the permanent laws relating to or applying in the Canal Zone in force on date of enactment of the Code.

§§ 1301 to 1304. Omitted

CODIFICATION

Sections 1301 to 1304 were omitted from the Code as not of general application, and as covered by the Canal Zone Code.

Section 1301, acts Aug. 24, 1912, ch. 390, § 14, 37 Stat. 569; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to short title.

Section 1302, acts Aug. 24, 1912, ch. 390, § 1, 37 Stat. 560; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to establishment of the Canal Zone.

Section 1303, acts Feb. 27, 1909, ch. 224, § 4, 35 Stat. 658; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to a land survey of the Canal Zone.

Section 1304, acts Aug. 24, 1912, ch. 390, § 3, 37 Stat. 561; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to acquisition of lands.

§§ 1304a to 1304c. Repealed. Aug. 10, 1949, ch. 415, § 9(c), 63 Stat. 597

Section 1304a, act May 3, 1932, ch. 162, § 1, 47 Stat. 145, related to modification of boundary line.

Section 1304b, act May 3, 1932, ch. 162, § 2, 47 Stat. 146, related to the effect of modification on title to detached lands.

Section 1304c, act May 3, 1932, ch. 162, § 3, 47 Stat. 146, related to the effect of modification on pending civil or criminal cases.

§§ 1305 to 1314a. Omitted

CODIFICATION

Section 1305, acts Aug. 24, 1912, ch. 390, § 4, 37 Stat. 561; June 19, 1934, ch. 667, § 1, 48 Stat. 1122; July 9, 1937, ch. 470, § 3, 50 Stat. 487; Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880; Sept. 26, 1950, ch. 1049, §§ 1, 2(a), 64 Stat. 1038, related to the establishment, administration, and functions of the Canal Zone Government, and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

Section 1305-1, act Sept. 26, 1950, ch. 1049, § 2(a), (b), 64 Stat. 1038, related to changes in names of the terms "the Panama Canal", "the Canal", and "the Canal authorities" to "the Canal Zone Government" and "the Panama Railroad Company" to "the Panama Canal Company" and was omitted from the Code as executed.

Section 1305a, acts Aug. 24, 1912, ch. 390, § 4, 37 Stat. 561; Mar. 12, 1928, ch. 213, 45 Stat. 310; June 19, 1934, ch. 667, § 1, 48 Stat. 1122; Sept. 26, 1950, ch. 1049, § 4, 64 Stat. 1040, related to compensation of persons in

military, naval, or public health service and was omitted from the Code. See section 1305 of this title.

Section 1305b, acts June 19, 1934, ch. 667, § 1, 48 Stat. 1122; Aug. 12, 1949, ch. 422, § 3, 63 Stat. 602; Sept. 26, 1950, ch. 1049, § 2(a)(1), (b), 64 Stat. 1038, related to special training of employees and was omitted from the Code as obsolete.

Section 1305c, acts June 19, 1934, ch. 667, § 1, 48 Stat. 1122; Aug. 12, 1949, ch. 422, § 4, 63 Stat. 601; Sept. 26, 1950, ch. 1049, § 2(a)(1), (b), 64 Stat. 1038, related to artificial limbs and appliances for employees injured prior to Sept. 7, 1916 and was omitted from the Code. See section 1305 of this title.

Section 1306, acts Aug. 24, 1912, ch. 390, § 13, 37 Stat. 569; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to Army control in time of war or emergency and was omitted from the Code. See section 1305 of this title.

Section 1307, acts Aug. 24, 1912, ch. 390, § 7, 37 Stat. 564; Sept. 21, 1922, ch. 370, § 1, 42 Stat. 1004; Feb. 16, 1933, ch. 91, § 1, 47 Stat. 814; June 19, 1934, ch. 667, § 1, 48 Stat. 1122; Sept. 26, 1950, ch. 1049, § 2(e), 64 Stat. 1038, related to jurisdiction of the Governor and was omitted from the Code. See section 1305 of this title.

Section 1308, acts Feb. 27, 1909, ch. 224, §§ 1–3, 5, 35 Stat. 658; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to lease of public lands and was omitted from the Code. See section 1305 of this title.

Section 1309, act Aug. 24, 1912, ch. 390, § 2, 37 Stat. 561, related to continuation of early laws and regulations and was omitted from the Code as obsolete.

Section 1310, acts Aug. 21, 1916, ch. 371, § 1, 39 Stat. 527; Feb. 16, 1933, ch. 92, 47 Stat. 818; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to sanitary regulations and was omitted from the Code. See section 1305 of this title.

Section 1311, acts Aug. 21, 1916, ch. 371, § 2, 39 Stat. 528; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to tax regulations and was omitted from the Code. See section 1305 of this title.

Section 1311a, acts Aug. 21, 1916, ch. 371, § 5, 39 Stat. 528; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to penalties for tax violations and was omitted from the Code. See section 1305 of this title.

Section 1312, acts Aug. 21, 1916, ch. 371, § 3, 39 Stat. 528; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to highway regulations and was omitted from the Code. See section 1305 of this title.

Section 1312a, acts Aug. 21, 1916, ch. 371, § 5, 39 Stat. 528; June 19, 1934, ch. 667, § 1, 48 Stat. 1122; July 10, 1937, ch. 487, § 2, 50 Stat. 510, related to violations of highway regulations and was omitted from the Code. See section 1305 of this title.

Section 1313, acts Aug. 21, 1916, ch. 371, § 4, 39 Stat. 528; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to police regulations and was omitted from the Code. See section 1305 of this title.

Section 1314, acts Aug. 21, 1916, ch. 371, § 5, 39 Stat. 528; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to violation of regulations generally and was omitted from the Code. See section 1305 of this title.

Section 1314a, act July 9, 1937, ch. 470, § 1, 50 Stat. 486, related to air regulations and was omitted from the Code. See section 1305 of this title.

§§ 1314b to 1314e. Repealed. Aug. 10, 1949, ch. 415, § 9(d), 63 Stat. 597

Section 1314b, act June 19, 1934, ch. 657, § 1, 48 Stat. 1116, related to intoxicating liquors in the Canal Zone.

Section 1314c, act June 19, 1934, ch. 657, § 2, 48 Stat. 1116, related to penalties for violations of intoxicating liquor regulations.

Section 1314d, act June 19, 1934, ch. 657, § 3, 48 Stat. 1116, related to repeal of prior laws.

Section 1314e, act June 19, 1934, ch. 657, § 4, 48 Stat. 1116, related to the effective date.

§§ 1314f to 1315a. Omitted

CODIFICATION

Section 1314f, act Oct. 1, 1942, ch. 574, 56 Stat. 763, related to prohibition of production, possession, and disposition of marihuana and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

Section 1314g, act Oct. 1, 1942, ch. 574, 56 Stat. 763, related to defining terms for purposes of act Oct. 1, 1942 and was omitted from the Code. See section 1314f of this title.

Section 1314h, acts Oct. 1, 1942, ch. 574, 56 Stat. 763; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038, related to licenses for certain marihuana uses and was omitted from the Code. See section 1314f of this title.

Section 1314i, act Oct. 1, 1942, ch. 574, 56 Stat. 763, related to violations, punishment, and confiscation and was omitted from the Code. See section 1314(f) of this title.

Section 1315, acts Aug. 24, 1912, ch. 390, § 5, 37 Stat. 562; June 15, 1914, ch. 106, § 1, 2, 38 Stat. 385, 386; Aug. 24, 1937, ch. 752, 50 Stat. 750; Sept. 26, 1950, ch. 1049, § 11, 64 Stat. 1042, related to tolls generally and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

Section 1315a, act Sept. 26, 1950, ch. 1049, § 12, 64 Stat. 1042, related to bases of tolls and was omitted from the Code. See section 1315 of this title.

§ 1316. Repealed. Sept. 26, 1950, ch. 1049, § 13(3), 64 Stat. 1043

Section, act June 12, 1917, ch. 27, § 1, 40 Stat. 179, related to refund of excessive tolls.

§§ 1317 to 1319. Omitted

CODIFICATION

Section 1317, acts June 15, 1914, ch. 106, § 2, 38 Stat. 386; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to reservation of right to discriminate in favor of American vessels and was omitted from the Code as obsolete.

Section 1318, acts Aug. 24, 1912, ch. 390, § 5, 37 Stat. 562; Sept. 21, 1922, ch. 370, § 10, 42 Stat. 1008; July 5, 1932, ch. 425, 47 Stat. 578; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to regulations governing the operation of the Canal and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

Section 1319, acts Aug. 24, 1912, ch. 390, § 5, 37 Stat. 562; June 15, 1914, ch. 106, § 1, 38 Stat. 385; June 19, 1934, ch. 667, § 1, 48 Stat. 1122; June 13, 1940, ch. 358, § 1, 54 Stat. 387; Sept. 26, 1950, ch. 1049, § 3, 64 Stat. 1039, related to injuries to vessels, cargo, crew, or passengers in operation of Canal and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

§ 1320. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 642

Section 1320, act Aug. 24, 1912, ch. 390, § 5, 37 Stat. 562, related to injuries to employees and was omitted from the Code as obsolete.

§§ 1321, 1322. Omitted

CODIFICATION

Section 1321, acts Aug. 21, 1916, ch. 371, § 10, 39 Stat. 529; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to passage of persons through the Canal Zone and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

Section 1322, acts Aug. 21, 1916, ch. 371, 39 Stat. 529; June 19, 1934, ch. 667, § 1, 48 Stat. 1122, related to injury to Canal and appurtenances and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

§§ 1323 to 1323–3. Repealed. Sept. 26, 1950, ch. 1049, § 13(2), 64 Stat. 1043

Section 1323, acts Aug. 24, 1912, ch. 390, § 6, 37 Stat. 563; Aug. 12, 1949, ch. 422, § 2, 63 Stat. 601, related to the establishment and operation of various facilities.

Section 1323–1, acts Aug. 24, 1912, ch. 390, § 6, 37 Stat. 563; Aug. 12, 1949, ch. 422, § 2, 63 Stat. 601, related to organization and conduct of facilities as business operations.

Section 1323–2, act June 19, 1934, ch. 667, § 53, as added Aug. 12, 1949, ch. 422, § 2, 63 Stat. 601, related to receipts, sales, and services.

Section 1323–3, act June 19, 1934, ch. 667, § 54, as added Aug. 12, 1949, ch. 422, § 2, 63 Stat. 601, related to exemption of operations of postal service.

§§ 1323a to 1323k. Omitted

CODIFICATION

Section 1323a, acts Feb. 16, 1933, ch. 89, § 1, 47 Stat. 812; June 13, 1940, ch. 358, § 2, 58 Stat. 389; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038, related to the postal service generally and was omitted from the Code as not of general application, and as covered by the Canal Zone Code.

Section 1323b, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to postal-savings deposits and was omitted from the Code. See section 1323a of this title.

Section 1323c, acts Aug. 21, 1916, ch. 371, § 6, 39 Stat. 528; Sept. 21, 1922, ch. 370, § 11, 42 Stat. 1008; Feb. 16, 1933, ch. 89, § 2, 47 Stat. 812; June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to interest rate on postal-savings certificates and was omitted from the Code. See section 1323a of this title.

Section 1323d, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to faith of United States pledged to payment of deposits and was omitted from the Code. See section 1323a of this title.

Section 1323e, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to control of money-order and postal-savings funds and was omitted from the Code. See section 1323a of this title.

Section 1323f, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to deposit of money-order and postal-savings funds in United States treasury and was omitted from the Code. See section 1323a of this title.

Section 1323g, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to deposit of money-order and postal-savings funds in banks and was omitted from the Code. See section 1323a of this title.

Section 1323h, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to investment of money-order and postal-savings funds in securities of the United States and was omitted from the Code. See section 1323a of this title.

Section 1323i, acts Aug. 21, 1916, ch. 371, § 7, 39 Stat. 528; Feb. 16, 1933, ch. 89, § 3, 47 Stat. 812; June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to use of interest and profits on money-order and postal-savings funds and was omitted from the Code. See section 1323a of this title.

Section 1323j, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to deposit money orders and was omitted from the Code. See section 1323a of this title.

Section 1323k, act Feb. 16, 1933, ch. 89, § 4, 47 Stat. 813, related to repeal of prior postal laws and was omitted from the Code as obsolete.

§§ 1324, 1325. Repealed. Feb. 16, 1933, ch. 89, § 4, 47 Stat. 812

Section 1324, acts Aug. 21, 1916, ch. 371, § 6, 39 Stat. 528; Sept. 21, 1922, ch. 370, § 11, 42 Stat. 1008, related to interest on deposit money orders.

Section 1325, act Aug. 21, 1916, ch. 371, § 7, 39 Stat. 528, related to use of interest on money-order funds.

§§ 1325a to 1327. Omitted

CODIFICATION

Sections 1325a to 1327 were omitted from the Code as not of general application and as covered by the Canal Zone Code.

Section 1325a, acts Feb. 16, 1933, ch. 90, § 1, 47 Stat. 813; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038, related to rules and regulations of the Customs Service.

Section 1325b, act Feb. 16, 1933, ch. 90, § 2, 47 Stat. 813, related to powers of search, seizure, and arrest of customs officers.

Section 1325c, acts Feb. 16, 1933, ch. 90, § 3, 47 Stat. 813; July 10, 1937, ch. 487, § 1, 50 Stat. 509, related to unlawful entry or importation.

Section 1325d, act Feb. 16, 1933, ch. 90, § 4, 47 Stat. 813, related to unmanifested merchandise.

Section 1325e, act Feb. 16, 1933, ch. 90, § 5, 47 Stat. 814, related to unlisted sea stores.

Section 1326, act Aug. 21, 1916, ch. 371, § 8, 39 Stat. 528, related to fees of customs officers.

Section 1327, act Aug. 1, 1914, ch. 223, § 4, 38 Stat. 679, related to accounting by collection officers.

§§ 1328, 1329. Repealed. Sept. 26, 1950, ch. 1049, § 13 (1), 64 Stat. 1043

Section 1328, acts Aug. 1, 1914, ch. 223, § 5, 38 Stat. 679; June 10, 1921, ch. 18, §§ 301, 304, 42 Stat. 23, 24, related to accounting by collecting officers.

Section 1329, acts Mar. 3, 1915, ch. 75, § 3, 38 Stat. 886; June 10, 1921, ch. 18, §§ 301, 304, 42 Stat. 23, 24, related to examination of accounts.

§§ 1330 to 1336h. Omitted

CODIFICATION

Section 1330, act Aug. 24, 1912, ch. 390, 12, 37 Stat. 569, related to extradition of fugitives and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

Section 1330–1, act Dec. 16, 1941, ch. 580, § 2, 55 Stat. 802, related to extradition to and from the United States and was omitted from the Code. See section 1330 of this title.

Section 1330a, act July 5, 1932, ch. 419, § 1, 47 Stat. 574, related to extradition to Republic of Panama and was omitted from the Code. See section 1330 of this title.

Section 1330b, act July 5, 1932, ch. 419, § 2, 47 Stat. 574; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038, related to extradition to the Republic of Panama where fugitive a citizen of United States and was omitted from the Code. See section 1330 of this title.

Section 1330c, act July 5, 1932, ch. 419, § 3, 47 Stat. 574, related to fugitives accused of crime in the Canal Zone.

Section 1330d, act July 5, 1932, ch. 419, § 4, 47 Stat. 574, related to prosecution for offense other than one extradited for.

Section 1330e, acts July 5, 1932, ch. 419, § 5, 47 Stat. 575; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038, related to written demand for arrest and delivery of fugitive and was omitted from the Code. See section 1330 of this title.

Section 1330f, act July 5, 1932, ch. 419, § 6, 47 Stat. 575, related to detention on telegraphic request and was omitted from the Code. See section 1330 of this title.

Section 1330g, act July 5, 1932, ch. 419, § 7, 47 Stat. 575, related to entry of extradition agents of the Republic of Panama into Canal Zone to receive fugitives and was omitted from the Code. See section 1330 of this title.

Section 1330h, act July 5, 1932, ch. 419, § 8, 47 Stat. 575, related to authority of extradition agents of the Republic of Panama in Canal Zone and was omitted from the Code. See section 1330 of this title.

Section 1330i, act July 5, 1932, ch. 419, § 9, 47 Stat. 575, related to papers and objects in possession of the fugitive and was omitted from the Code. See section 1330 of this title.

Section 1330j, act July 5, 1932, ch. 419, § 10, 47 Stat. 575, related to payment of capture expenses and was omitted from the Code. See section 1330 of this title.

Section 1331, act Aug. 21, 1916, ch. 371, § 9, 39 Stat. 529, related to laws governing American seamen in Zone and was omitted from the Code. See section 1330 of this title.

Section 1332, act Aug. 24, 1912, ch. 355, § 4, 37 Stat. 486, related to payments for Toro Point Light and was omitted from the Code as executed.

Section 1333, acts Mar. 4, 1911, ch. 285, § 2, 36 Stat. 1451; July 10, 1937, ch. 487, § 10, 50 Stat. 511; Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038, related to carrying of insurance by the Panama Canal Company and was omitted from the Code. See section 1330 of this title.

Section 1334, acts June 25, 1910, ch. 384, § 2, 36 Stat. 772; Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1048, related to subsidy payments by Panama Canal Company and was omitted from the Code as executed.

Section 1335, acts Mar. 4, 1911, ch. 285, § 6, 36 Stat. 1452; Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1048, related to bonds by Panama Canal Company and was omitted from the Code as executed.

Section 1336, acts Aug. 24, 1912, ch. 390, § 7, 37 Stat. 564; Sept. 21, 1922, ch. 370, § 1, 42 Stat. 1004; Feb. 16, 1933, ch. 91, § 1, 47 Stat. 1038, related to notaries public and was omitted from the Code. See section 1330 of this title.

Section 1336a, acts June 30, 1932, ch. 314, §§ 501, 502, 47 Stat. 415; Feb. 16, 1933, ch. 88, § 1, 47 Stat. 811, related rules and regulations of steamboat inspection and was omitted from the Code. See section 1330 of this title.

Section 1336b, act Feb. 16, 1933, ch. 88, § 2, 47 Stat. 811, related to inspection of foreign vessels and was omitted from the Code. See section 1330 of this title.

Section 1336c, acts Feb. 16, 1933, ch. 88, § 3, 47 Stat. 811; Sept. 26, 1950, ch. 1049, § 2(a)(1) 64 Stat. 1038, related to certificate of inspection and was omitted from the Code. See section 1330 of this title.

Section 1336d, act Feb. 16, 1933, ch. 88, § 4, 47 Stat. 811, related to refusal of certificate and was omitted from the Code. See section 1330 of this title.

Section 1336e, acts June 30, 1932, ch. 314, § 501, 47 Stat. 415; Feb. 16, 1933, ch. 88, § 5, 47 Stat. 811; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; Sept. 26, 1950, ch. 1049, (2)(a), (1), 64 Stat. 1038, related to navigating waters without lawful certificate and was omitted from the Code. See section 1330 of this title.

Section 1336f, acts Feb. 16, 1933, ch. 88, § 6, 47 Stat. 811; Sept. 26, 1950, ch. 1049, § 2(a)(1), 64 Stat. 1038, related to revocation of certificate and was omitted from the Code. See section 1330 of this title.

Section 1336g, acts Feb. 16, 1933, ch. 88, § 7, 47 Stat. 812; June 24, 1936, ch. 754, § 8, 49 Stat. 1905; Sept. 26, 1950, ch. 1049, § 2(a)(1), 64 Stat. 1038, related to registration of small vessels propelled by machinery and was omitted from the Code. See section 1330 of this title.

Section 1336h, acts Feb. 16, 1933, ch. 88, § 8, 47 Stat. 812; June 24, 1936, ch. 754, § 9, 49 Stat. 1906, related to registration of small vessels not propelled by machinery and was omitted from the Code. See section 1330 of this title.

§ 1336i. Repealed. June 24, 1936, ch. 754, § 10, 49 Stat. 1906

Section, act Feb. 16, 1933, ch. 88, § 9, 47 Stat. 812, related to small vessels carrying passengers.

§§ 1336j to 1337c. Omitted

CODIFICATION

Section 1336j, act July 5, 1932, ch. 421, § 1, 47 Stat. 576, related to equipment on ocean-going vessels using ports of Canal Zone and was omitted from the Code as obsolete.

Section 1336k, act July 5, 1932, ch. 421, § 2, 47 Stat. 576, related to jurisdiction of violations and was omitted from the Code as obsolete.

Section 1337, acts Dec. 12, 1941, ch. 569, 55 Stat. 798; Sept. 26, 1950, ch. 1049, § 2(a)(1), (b), 64 Stat. 1038, related to photographic regulations and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

Section 1337a, act June 19, 1934, ch. 667, § 16, as added Aug. 12, 1949, ch. 422, § 1, 63 Stat. 600, and amended Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038, related to the acquisition or construction of structures, equipment, and improvements and was omitted from the Code. See section 1337 of this title.

Section 1337b, act June 19, 1934, ch. 667, § 17, as added Aug. 12, 1949, ch. 422, § 1, 63 Stat. 600, and amended Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038, related to claims for losses of or damage to property and was omitted from the Code. See section 1337 of this title.

Section 1337c, act June 19, 1934, ch. 667, § 18, as added Aug. 12, 1949, ch. 422, § 1, 63 Stat. 600, and amended Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038, related to disaster relief and was omitted from the Code. See section 1337 of this title.

§§ 1341 to 1355. Omitted

CODIFICATION

Section 1341, acts Aug. 24, 1912, ch. 390, § 7, 37 Stat. 564; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1004; Feb. 16, 1933, ch. 91, § 1, 47 Stat. 814, related to the determination of towns in Canal Zone and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

Section 1342, acts Aug. 24, 1912, ch. 390, § 7, 37 Stat. 564; Sept. 21, 1922, ch. 370, § 1, 42 Stat. 1004; Feb. 16, 1933, ch. 91, § 1, 47 Stat. 814, related to magistrate courts and was omitted from the Code, See section 1341 of this title.

Section 1343, acts Aug. 24, 1912, ch. 390, § 7, 37 Stat. 564; Sept. 21, 1922, ch. 370, § 1, 42 Stat. 1004; Feb. 16, 1933, ch. 91, § 1, 47 Stat. 814, related to appeals from magistrate courts and was omitted from the Code. See section 1341 of this title.

Section 1344, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1005; Feb. 16, 1933, ch. 91, § 2, 47 Stat. 815, related to district courts generally and was omitted from the Code. See section 1341 of this title.

Section 1344-1, act Dec. 16, 1941, ch. 580, § 3, 55 Stat. 802, related to rules of criminal procedure and was omitted from the Code as obsolete.

Section 1344a, acts Aug. 12, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1005; Feb. 16, 1933, ch. 91, § 2, 47 Stat. 816, related to orders made when outside jurisdiction and was omitted from the Code as obsolete.

Section 1345, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1005; Feb. 16, 1933, ch. 91, § 2, 47 Stat. 815, related to general jurisdiction of district court and was omitted from the Code. See section 1341 of this title.

Section 1345a, act July 5, 1932, ch. 422, § 2, 47 Stat. 577, related to issuance of process and was omitted from the Code. See section 1341 of this title.

Section 1346, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 47 Stat. 1005; Feb. 16, 1933, ch. 91, § 2, 47 Stat. 815, related to jurisdiction of crimes committed on high seas and was omitted from the Code. See section 1341 of this title.

Section 1347, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1005; Dec. 29, 1926, ch. 19, § 1, 44 Stat. 924; Feb. 16, 1933, ch. 91, § 2, 47 Stat. 816; Sept. 26, 1950, ch. 1049, § 2(a), 64 Stat. 1038, related to juries and jury trials and was omitted from the Code. See section 1341 of this title.

Section 1348, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1005; Feb. 16, 1933, ch. 91, § 2, 47 Stat. 816, related to compensation of district judge and was omitted from the Code. See section 1341 of this title.

Section 1349, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 42 Stat. 1005; Feb. 16, 1933, ch. 91, 47 Stat. 816, related to clerk of district court and was omitted from the Code. See section 1341 of this title.

Section 1350, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1005; Feb. 16, 1933, ch. 91, § 2, 47 Stat. 815, related to appointment

and compensation of special judge and was omitted from the Code. See section 1341 of this title.

Section 1351, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1005; Feb. 16, 1933, ch. 91, § 2, 47 Stat. 815; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038, related to the district attorney and was omitted from the Code. See section 1341 of this title.

Section 1352, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1005; Feb. 16, 1933, ch. 91, § 2, 47 Stat. 817, related to the marshal and was omitted from the Code. See section 1341 of this title.

Section 1353, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1005; Dec. 29, 1926, ch. 19, § 2, 44 Stat. 924; Feb. 16, 1933, ch. 91, § 2, 47 Stat. 817; Mar. 26, 1938, ch. 51, § 1, 52 Stat. 118; July 1, 1944, ch. 366, 58 Stat. 676; June 25, 1948, ch. 646, § 31, 67 Stat. 991, related to appointment of district judge, district attorney, and marshal and was omitted from the Code. See section 1341 of this title.

Section 1354, acts Aug. 24, 1912, ch. 390, § 9, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 3, 42 Stat. 1006, related to transfer of causes to new courts and was omitted from the Code as obsolete.

Section 1355, acts Aug. 24, 1912, ch. 390, § 9, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 3, 42 Stat. 1006, related to the continuance of laws defining clerks' duties and was omitted from the Code as obsolete.

§ 1356. Repealed. June 25, 1948, ch. 646, § 35, 62 Stat. 991

Section, acts Aug. 24, 1912, ch. 390, § 9, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 3, 42 Stat. 1006; Feb. 16, 1933, ch. 91, § 3, 47 Stat. 817, related to appeals from district courts and is now covered by sections 1291, 1292, and 1294 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal of section effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§§ 1357, 1358. Omitted

CODIFICATION

Section 1357, acts Aug. 24, 1912, ch. 390, § 9, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 3, 42 Stat. 1006, related to blending of law and equity jurisdiction and was omitted from the Code as obsolete.

Section 1358, act June 28, 1906, ch. 3585, 34 Stat. 552, related to acknowledgment of deeds and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

§ 1361. Repealed. Sept. 26, 1950, ch. 1049, § 13(7), 64 Stat. 1043

Section, act June 29, 1948, ch. 706, § 1, 62 Stat. 1075, related to the purpose of organization of the former Panama Railroad Company.

§§ 1361a to 1361*l*. Omitted

CODIFICATION

Sections 1361a to 1361*l* were omitted from the Code as not of general application and as covered by the Canal Zone Code.

Section 1361a, acts June 29, 1948, ch. 706, § 2, 62 Stat. 1076; Sept. 26, 1950, ch. 1049, § 5, 64 Stat. 1041, related to the creation of the Panama Railroad Company.

Section 1361b, acts June 29, 1948, ch. 706, § 2, 62 Stat. 1076; Sept. 26, 1950, ch. 1049, § 6, 64 Stat. 1041, related to the investment of the United States.

Section 1361c, act June 29, 1948, ch. 706, § 2, 62 Stat. 1076, related to the Board of Directors of the corporation.

Section 1361d, acts June 29, 1948, ch. 706, § 2, 62 Stat. 1076; Sept. 26, 1950, ch. 1049, § 8, 64 Stat. 1041, related to the general powers of the corporation.

Section 1361e, acts June 29, 1948, ch. 706, § 2, 62 Stat. 1076; Sept. 26, 1950, ch. 1049, § 9, 64 Stat. 1049, related to specific powers of the corporation and was omitted from the Code.

Section 1361f, act June 29, 1948, ch. 706, § 2, 62 Stat. 1076, related to applicability of laws and was omitted from the Code.

Section 1361g, act June 29, 1948, ch. 706, § 2, 62 Stat. 1076, related to the transfer of assets and liabilities of the corporation and was omitted from the Code.

Section 1361h, act June 29, 1948, ch. 706, § 2, 62 Stat. 1076, related to reimbursement of other agencies and was omitted from the Code.

Section 1361i, act June 29, 1948, ch. 706, § 2, 62 Stat. 1076, related to payment of excess funds into treasury and was omitted from the Code.

Section 1361j, act June 29, 1948, ch. 706, § 2, 62 Stat. 1076, related to the emergency fund and was omitted from the Code.

Section 1361k, act June 29, 1948, ch. 706, § 2, as added Sept. 26, 1950, ch. 1049, § 10, 64 Stat. 1042, related to authorizations of appropriations to cover losses and was omitted from the Code.

Section 1361*l*, act June 29, 1948, ch. 706, § 2, as added Sept. 26, 1950, ch. 1049, § 10, 64 Stat. 1042, related to authorization for transfer of the canal to the corporation and was omitted from the Code.

§§ 1371 to 1371b. Repealed. July 21, 1949, ch. 356, § 1(b), 63 Stat. 475

Section 1371, act Mar. 2, 1931, ch. 375, § 1, 46 Stat. 1471, related to employees entitled to retirement privileges.

Section 1371a, acts Mar. 2, 1931, ch. 375, § 2, 46 Stat. 1471; June 19, 1934, ch. 667, § 1, 48 Stat. 1122; July 29, 1942, ch. 536, § 1, 56 Stat. 726, related to automatic separation.

Section 1371b, acts Mar. 2, 1931, ch. 375, § 3, 46 Stat. 1472; July 2, 1945, ch. 220, 59 Stat. 212, related to voluntary retirement.

EFFECTIVE DATE OF REPEAL

Repeal of sections 1371 to 1371b effective Apr. 1, 1948, see section 7(a) of act July 21, 1949.

ADDITIONAL REPEAL

Sections 1371 to 1371b were also repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648.

§ 1371b-1. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648

Section, act June 16, 1933, ch. 101, § 8(b), 48 Stat. 306, related to involuntary separation retirement benefits.

§§ 1371c to 1371p. Repealed. July 21, 1949, ch. 356, § 1(b), 63 Stat. 475

Section 1371c, acts Mar. 2, 1931, ch. 375, § 4, 46 Stat. 1472; Ex. Ord. No. 6670 Apr. 7, 1934; June 24, 1936, ch. 754, § 2, 49 Stat. 1904; Apr. 12, 1939, ch. 58, 53 Stat. 574; Dec. 16, 1941, ch. 584, § 2, 55 Stat. 806, related to disability retirement.

Section 1371d, act July 29, 1942, ch. 536, § 2, 56 Stat. 727, related to annuity on separations from service.

Section 1371e, acts Mar. 2, 1931, ch. 375, § 6, 46 Stat. 1474; Aug. 10, 1939, ch. 660, 53 Stat. 1347; Dec. 16, 1941, ch. 584, § 1, 55 Stat. 805; July 29, 1942, ch. 536, § 3, 56 Stat. 727, related to method of computing annuities.

Section 1371f, acts Mar. 2, 1931, ch. 375, § 7, 46 Stat. 1476; Oct. 14, 1940, ch. 859, § 2, 54 Stat. 1117, related to computation of accredited service.

Section 1371g, acts Mar. 2, 1931, ch. 375, § 8, 46 Stat. 1476; Ex. Ord. No. 6670, Apr. 7, 1934, related to credit for past service.

Section 1371h, acts Mar. 2, 1931, ch. 375, § 9, 46 Stat. 1477; Ex. Ord. No. 6670, Apr. 7, 1934; Dec. 16, 1941, ch. 584, § 2, 55 Stat. 806, related to deductions.

Section 1371i, act Mar. 2, 1931, ch. 375, § 10, 46 Stat. 1477, related to investments and accounts.

Section 1371j, acts Mar. 2, 1931, ch. 375, § 11, 46 Stat. 1477; Ex. Ord. No. 6670, Apr. 7, 1934; June 24, 1936, ch. 754, §§ 4 to 6, 49 Stat. 1905; Dec. 16, 1941, ch. 584, § 4, 55 Stat. 806; July 29, 1942, ch. 536, § 4, 56 Stat. 728, related to return of amounts deducted from salaries.

Section 1371k, acts Mar. 2, 1931, ch. 375, § 12, 46 Stat. 1478; Ex. Ord. No. 6670, Apr. 7, 1934; July 29, 1942, ch. 536, § 5, 56 Stat. 728, related to payment of annuities.

Section 1371l, acts Mar. 2, 1931, ch. 375, § 13, 46 Stat. 1479; Aug. 10, 1937, ch. 573, 50 Stat. 619, related to benefits for those already retired.

Section 1371m, acts Mar. 2, 1931, ch. 375, § 14, 46 Stat. 1479; Ex. Ord. No. 6670, Apr. 7, 1934, related to Board of actuaries.

Section 1371n, acts July 3, 1930, ch. 863, § 2, 46 Stat. 1016; Mar. 2, 1931, ch. 375, § 15, 46 Stat. 1479; Ex. Ord. No. 6670, eff. Apr. 7, 1934, related to administrative provisions.

Section 1371o, act Mar. 2, 1931, ch. 375, § 16, 46 Stat. 1480, related to exemption from execution.

Section 1371p, acts July 3, 1930, ch. 863, § 2, 46 Stat. 1016; Mar. 2, 1931, ch. 375, § 17, 46 Stat. 1480; Ex. Ord. No. 6670, eff. Apr. 7, 1934, related to the effective date of these sections.

EFFECTIVE DATE OF REPEAL

Repeal of sections 1371c to 1371p effective Apr. 1, 1948, see section 7(a) of act July 21, 1949.

ADDITIONAL REPEAL

Sections 1371c to 1371p were also repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648.

§ 1372. Omitted

CODIFICATION

Section 1372, acts July 8, 1937, ch. 443, § 1, 50 Stat. 478; Sept. 26, 1950, ch. 1049, § 2(a), (b), 64 Stat. 1038, related to relief of employee not entitled to retirement benefits and was omitted from the Code as not of general application and as covered by the Canal Zone Code.

§§ 1373 to 1374d. Omitted

CODIFICATION

Sections 1373 to 1374d were omitted from the Code as obsolete.

Section 1373, acts May 29, 1944, ch. 214, § 1, 58 Stat. 257; Sept. 26, 1950, ch. 1049, § 2(a)(1), (2), 64 Stat. 1038, related to recognition of personnel engaged in construction of the canal.

Section 1373a, acts May 29, 1944, ch. 214, § 2, 58 Stat. 258; Aug. 7, 1946, ch. 774, 60 Stat. 873; Sept. 26, 1950, ch. 1049, § 2(a)(1), (2), 64 Stat. 1038, related to annuity privilege of personnel described in section 1373 of this title.

Section 1373b, act May 29, 1944, ch. 214, § 3, 58 Stat. 258, related to payment of annuities of personnel described in section 1373 of this title.

Section 1373c, act May 29, 1944, ch. 214, § 4, 58 Stat. 258, related to the duration of annuities of personnel described in section 1373 of this title.

Section 1373d, acts May 29, 1944, ch. 214, § 5, 58 Stat. 259; Sept. 26, 1950, ch. 1049, § 2(a)(1), (2), 64 Stat. 1038, related to election between annuity or other compensation of personnel described in section 1373 of this title.

Section 1373e, act May 29, 1944, ch. 214, § 6, 58 Stat. 259, related to administrative provisions for carrying out sections 1373 to 1373g of this title.

Section 1373f, act May 29, 1944, ch. 214, § 7, 58 Stat. 259, related to exemption from execution, lien, or other legal process of moneys or annuities under sections 1373 to 1373g of this title.

Section 1373g, act May 29, 1944, ch. 214, § 8, 58 Stat. 269, related to annual estimates of annuity appropriations under sections 1373 to 1373g of this title.

Section 1374, acts July 24, 1947, ch. 308, § 1, 61 Stat. 415; Sept. 26, 1950, ch. 1949, § 2(a)(2), 64 Stat. 1038, related to the retirement of certain Panama Canal Railroad Company employees.

Section 1374a, acts July 24, 1947, ch. 308, § 2, 61 Stat. 415; Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038, related to transfer of pension fund assets of the Panama Canal Railroad Company and was omitted from the Code.

Section 1374b, acts July 24, 1947, ch. 308, § 3, 61 Stat. 416; Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038, related to Panama Canal Railroad Company employees' accounts in civil service fund.

Section 1374c, acts July 24, 1947, ch. 308, § 4, 61 Stat. 416; Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038, related to redeposit of Panama Canal Railroad Company contribution funds.

Section 1374d, acts July 24, 1947, ch. 308, § 5, 61 Stat. 416; Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038, related to certain Panama Canal Railroad Company employee annuities and was.

§§ 1381, 1382. Transferred

CODIFICATION

Section 1381, act July 2, 1940, ch. 516, § 1, 54 Stat. 724, related to setting aside the Barro Colorado Island in Gatun Lake for scientific observation and was transfered to section 79 of Title 20, Education.

Section 1382, act July 2, 1940, ch. 516, § 2, 54 Stat. 724; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101, related to preservation of the natural features of the area, and was transferred to section 79a of Title 20.

§ 1383. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 650

Section, act July 2, 1940, ch. 516, § 3, 54 Stat. 724, provided for the appointment and compensation of the Board of Directors of the Canal Zone Biological Area.

§§ 1384 to 1387. Transferred

CODIFICATION

Section 1384, act July 2, 1940, ch. 516, § 4, 54 Stat. 724; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101, related to functions of the Smithsonian Institution and was transferred to section 79b of Title 20, Education.

Section 1385, act July 2, 1940, ch. 516, § 5, 54 Stat. 725; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101, related to the resident manager and was transferred to section 79c of Title 20.

Section 1386, act July 2, 1940, ch. 516, § 6, 54 Stat. 725; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101, related to deposit of receipts into treasury and was transferred to section 79d of Title 20.

Section 1387, act July 2, 1940, ch. 516, § 7, 54 Stat. 725, related to authorization of appropriations and was transferred to section 79e of Title 20.

CHAPTER 7—THE VIRGIN ISLANDS

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SUBCHAPTER I—GENERAL PROVISIONS

Additional Provisions

For additional provisions, constituting a revision of the Organic Act of the Virgin Islands of the United States, see section 1541 et seq. of this title.

Codification

A new organic act, or basic charter of civil government, for the people of the Virgin Islands of the United States, was passed in 1954. Act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, is set out as section 1541 et seq. of this title. Section 8(c) of the Revised Organic Act, set out as section 1574(c) of this title, provides that laws of the United States, set out generally in this chapter, as well as local laws and ordinances, including provisions of the Organic Act of the Virgin Islands of the United States, act June 22, 1936, ch. 699, 49 Stat. 1807, section 1405 et seq. of this title, in force on July 22, 1954, and not inconsistent with act July 22, 1954, are to remain in force and effect until otherwise changed.

Constitutions for Virgin Islands and Guam: Establishment; Congressional Authorization

Pub. L. 94-584, Oct. 21, 1976, 90 Stat. 2899, provided:

"[Section 1. Authorization to organize governments] That the Congress, recognizing the basic democratic principle of government by the consent of the governed, authorities the peoples of the Virgin Islands and of Guam, respectively, to organize governments pursuant to constitutions of their own adoption as provided in this Act.

"Sec. 2. [Constitutional conventions and draft provisions] (a) The Legislatures of the Virgin Islands and Guam, respectively, are authorized to call constitutional conventions to draft, within the existing territorial-Federal relationship, constitutions for the local self-government of the people of the Virgin Islands and Guam.

"(b). Such constitutions shall—

"(1) recognize, and be consistent with, the sovereignty of the United States over the Virgin Islands and Guam, respectively, and the supremacy of the provisions of the Constitution, treaties, and laws of the United States applicable to the Virgin Islands and Guam, respectively, including, but not limited to, those provisions of the Organic Act [this chapter] and Revised Organic Act of the Virgin Islands [section 1541 et seq. of this title] and the Organic Act of Guam [section 1421 et seq. of this title] which do not relate to local self-government.

"(2) provide for a republican form of government, consisting of three branches: executive, legislative, and judicial;

"(3) contain a bill of rights;

"(4) deal with the subject matter of those provisions of the Revised Organic Act of the Virgin Islands of 1954, as amended, and the Organic Act of Guam, as amended, respectively, which relate to local self-government;

"(5) with reference to Guam, provide that the voting franchise may be vested only in residents of Guam who are citizens of the United States;

"(6) provide for a system of local courts consistent with the provisions of the Revised Organic Act of the Virgin Islands, as amended; and

"(7) provide for the establishment of a system of local courts the provisions of which shall become effective no sooner than upon the enactment of legislation regulating the relationship between the local courts of Guam with the Federal judicial system.

"Sec. 3. [Selection and qualifications of members] The members of such constitutional conventions shall be chosen as provided by the laws of the Virgin Islands and Guam, respectively (enacted after the date of enactment of this Act [Oct. 21, 1976]): *Provided, however,* That no person shall be eligible to be a member of the constitutional conventions, unless he is a citizen of the United States and qualified to vote in the Virgin Islands and Guam, respectively.

"Sec. 4. [Submittal of proposed constitutions to governors and President] The conventions shall submit to the Governor of the Virgin Islands a proposed constitution for the Virgin Islands and to the Governor of Guam a proposed constitution for Guam which shall comply with the requirements set forth in section 2(b) above. Such constitutions shall be submitted to the President of the United States by the Governors of the Virgin Islands and Guam.

"Sec. 5. [Transmittal to Congress and submittal to voters] Within sixty calendar days after the respective date on which he has received each constitution, the President shall transmit such constitution together with his comments to the Congress. The constitution, in each case, shall be deemed to have been approved by the Congress within sixty days after its submission by the President, unless prior to that date the Congress has approved the constitution, or modified or amended it, in whole or in part, by joint resolution. As so approved or modified, the constitutions shall be submitted to the qualified voters of the Virgin Islands and Guam, respectively, for acceptance or rejection through islandwide referendums to be conducted as provided under the laws of the Virgin Islands and Guam, respectively, (enacted after the date of enactment of this Act) [Oct. 21, 1976]. Upon approval by not less than a majority of the votes (counting only the affirmative or negative votes) participating in such referendums, the constitutions shall become effective in accordance with their terms."

Delegate to Congress From Virgin Islands

Provisions respecting representation in Congress by a Delegate from Virgin Islands to the House of Representatives, see section 1711 et seq. of this title.

§ 1391. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643

Section, act Mar. 3, 1917, ch. 171, § 1, 39 Stat. 1132, provided for the appointment and pay of the Governor of the Virgin Islands and other employees.

§ 1392. Local laws continued; courts

Until Congress shall otherwise provide, insofar as compatible with the changed sovereignty and not in conflict with the provisions of this section and sections 1391 and 1394 to 1396 of this title, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the 6th day of April, 1906, and the other local laws, in force and effect in said islands on the 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party.

(Mar. 3, 1917, ch. 171, § 2, 39 Stat. 1132; June 25, 1948, ch. 646, § 39, 62 Stat. 992.)

REFERENCES IN TEXT

Section 1391 of this title, referred to in text, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643.

AMENDMENTS

1948—Act June 25, 1948, repealed last sentence relating to appeals as this provision is now covered by section 1294 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Amendment by act June 25, 1948, effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 1392a. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 650, 654

Section, acts May 24, 1940, ch. 209, § 3, 54 Stat. 220; July 31, 1946, ch. 704, § 1, 60 Stat. 716; June 25, 1948, ch. 646, § 30, 62 Stat. 991, related to the salary of the judge of the District Court.

Section was formerly classified to section 5a of Title 28 prior to the general revision and enactment of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, § 1, 62 Stat. 869.

§ 1392b. Jurisdiction of district court of violations of provisions for protection of navigable waters

Violations of the provisions of section 1399 of this title may be prosecuted in the District Court of the Virgin Islands of the United States, and jurisdiction is vested in said court to try and determine such causes.

(July 1, 1932, ch. 370, § 2, 47 Stat. 565.)

CROSS REFERENCES

Jurisdiction of District Court of the Virgin Islands, see sections 1405q, 1406, 1406a, and 1612 of this title.

Laws of United States for protection and improvement of navigable waters and the preservation of the interest of navigation and commerce to apply to Virgin Islands, see section 1405c of this title.

§ 1393. Colonial councils; eligibility to membership in

No person owing allegiance to any country other than the United States of America shall be eligible to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands.

(July 12, 1921, ch. 44, § 1, 42 Stat. 123.)

CODIFICATION

Section is a provision from act July 12, 1921, popularly known as the Naval Service Appropriation Act, 1922.

§ 1394. Customs duties and internal-revenue taxes

There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 20 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally.

(Mar. 3, 1917, ch. 171, § 3, 39 Stat. 1133; Sept. 7, 1950, ch. 909, 64 Stat. 784.)

AMENDMENTS

1950—Act Sept. 7, 1950, permitted free entry of articles into the United States from the Virgin Islands when such articles contain foreign materials which may be imported directly into the United States free of duty.

CROSS REFERENCES

Customs duties, see General Headnote 3(a) under section 1202 of Title 19, Customs Duties.

Industrial alcohol plants, application of internal revenue laws to Virgin Islands, see section 5314 of Title 26, Internal Revenue Code.

Internal revenue, special provisions applicable to Virgin Islands, see sections 7652 and 7653 of Title 26.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1392, 1396 of this title.

§ 1395. Tax laws continued; tax on sugar

Until Congress shall otherwise provide all laws now imposing taxes in the said West Indian Islands, including the customs laws and regulations, shall, insofar as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: *Provided*, That upon exportation of sugar to any foreign country, or

the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of $6 per ton of two thousand pounds, irrespective of polariscope test, in lieu of any export tax now required by law: *Provided further,* That the internal revenue taxes levied by the Colonial Council of Saint Croix, or by the Colonial Council of Saint Thomas and Saint John, in pursuance of the authority granted by this section and sections 1391, 1392, 1394, and 1396 of this title on articles, goods, wares, or merchandise may be levied and collected as the Colonial Council of Saint Croix, or as the Colonial Council of Saint Thomas and Saint John, may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the island: *And provided further,* That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in the municipality of Saint Croix, or in the municipality of Saint Thomas and Saint John, respectively. The officials of the Customs and Postal Services of the United States are directed to assist the appropriate officials of the municipality of Saint Croix, or of the municipality of Saint Thomas and Saint John, in the collection of these taxes.

(Mar. 3, 1917, ch. 171, § 4, 39 Stat. 1133; Feb. 25, 1927, ch. 192, § 5, 44 Stat. 1235; June 24, 1932, ch. 275, 47 Stat. 333.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to Title 19, Customs Duties.

Section 1391 of this title, referred to in text, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643.

AMENDMENTS

1932—Act June 24, 1932, added provisos permitting local levy of internal revenue taxes, prohibiting discrimination against imports, and directing the customs and postal services to assist in collecting taxes.

1927—Act Feb. 25, 1927, reduced export duty on sugar from $8 to $6 per ton.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1392, 1396 of this title.

§ 1396. Duties and taxes covered into island treasury

The duties and taxes collected in pursuance of sections 1394 and 1395 of this title shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of the Virgin Islands, under such rules and regulations as the President may prescribe.

(Mar. 3, 1917, ch. 171, § 5, 39 Stat. 1133.)

CROSS REFERENCES

Disposition of proceeds of taxes on articles produced in the Virgin Islands and transported into the United States, see section 7652 of Title 26, Internal Revenue Code.

Use of proceeds of customs duties and taxes collected in the Virgin Islands, see section 1642 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1392 of this title.

§ 1397. Income tax laws of the United States in force; payment of proceeds; levy of surtax on all taxpayers

The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in the Virgin Islands of the United States, except that the proceeds of such taxes shall be paid into the treasuries of said islands: *Provided further,* That, notwithstanding any other provision of law, the Legislature of the Virgin Islands is authorized to levy a surtax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the government of the Virgin Islands.

(July 12, 1921, ch. 44, § 1, 42 Stat. 123; Aug. 19, 1976, Pub. L. 94-392, § 5, 90 Stat. 1195.)

REFERENCES IN TEXT

The income-tax laws in force in the United States of America, referred to in text, are classified to Title 26, Internal Revenue Code.

CODIFICATION

Section is a provision from act July 12, 1921, popularly known as the Naval Service Appropriation Act, 1922.

AMENDMENTS

1976—Pub. L. 94-392 added proviso authorizing Legislature of the Virgin Islands to levy a surtax, not to exceed 10 per centum, on annual income tax obligation of all taxpayers.

APPLICATION OF WESTERN HEMISPHERE TRADE CORPORATION PROVISION UNDER THE VIRGIN ISLANDS TAX LAWS

Treatment of Western Hemisphere Trade Corporation provisions of sections 921 and 922 of Title 26, Internal Revenue Code, as having been repealed effective with respect to taxable years beginning after Dec. 10, 1971, for purposes of applying income tax laws of the United States with respect to the Virgin Islands under this section, see Pub. L. 92-178, title III, § 307, Dec. 10, 1971, 85 Stat. 524, set out as a note under section 921 of Title 26.

CROSS REFERENCES

All provisions of laws of the United States applicable to assessment and collection of taxes imposed by Internal Revenue Code as applicable to possessions, see section 7651 of Title 26, Internal Revenue Code.

Disposition of proceeds of taxes on articles produced in the Virgin Islands and transported into the United States, see section 7652 of Title 26.

Use of proceeds of United States income tax collected in the Virgin Islands, see section 1642 of this title.

Taxation of income derived from sources within the United States, see section 933 of Title 26.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 sections 932, 934.

§ 1398. Omitted

CODIFICATION

Section, act July 1, 1922, ch. 259, 42 Stat. 788, which related to quarantine and passport fees, was from the Navy Department and Naval Service Appropriation Act, 1923, and was omitted from the Code as not repeated in subsequent years. Subject matter is now covered by section 1642 of this title.

§ 1399. Laws of United States affecting navigation; applicability

The provisions of sections 401, 403, 404, 406, 407, 408, 409, 411 to 416, 418, and 502 of title 33, are made applicable to the Virgin Islands and the navigable waters thereof.

(July 3, 1930, ch. 847, § 8, 46 Stat. 948; July 1, 1932, ch. 370, § 1, 47 Stat. 565.)

REFERENCES IN TEXT

Section 416 of title 33, referred to in text, has been omitted from the Code as covered by section 725a(b)(14) of Title 31, Money and Finance.

AMENDMENTS

1932—Act July 1, 1932, included sections 401, 403, 404, 406, 407, 408, 409, 411 to 413, and 502 in enumerated sections.

CROSS REFERENCES

Jurisdiction of violations of sections set out in this section as vested in the District Court of the Virgin Islands of the United States, see section 1392b of this title.

Laws of United States for protection and improvement of navigable waters and the preservation of the interest of navigation and commerce to apply to Virgin Islands, see section 1405c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1392b of this title.

§ 1400. Admiralty laws of United States; extension to islands

There is conferred upon the judicial tribunals of the Virgin Islands jurisdiction in admiralty which shall be the same as is exercised by the United States district courts, and the practice and procedure shall be the same as in the United States district courts, and all cases coming within the admiralty jurisdiction of said tribunals shall be determined in accordance with the general admiralty laws of the United States of America.

(May 20, 1932, ch. 194, 47 Stat. 160.)

REFERENCES IN TEXT

The admiralty laws of the United States of America, referred to in text, are classified generally to Title 46, Shipping.

CROSS REFERENCES

Admiralty jurisdiction of United States district courts, see section 1333 of Title 28, Judiciary and Judicial Procedure.

§ 1401. Equalization of taxes on real property; declaration of policy

It is the policy of Congress to equalize and more equitably to distribute existing taxes on real property in the Virgin Islands of the United States and to reduce the burden of taxation now imposed on land in productive use in such islands.

(May 26, 1936, ch. 450, § 1, 49 Stat. 1372.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401b, 1401e of this title.

§ 1401a. Valuation of real property for assessment; uniformity of rates

For the calendar year 1936 and for all succeeding years all taxes on real property in the Virgin Islands shall be computed on the basis of the actual value of such property and the rate in each municipality of such islands shall be the same for all real property subject to taxation in such municipality whether or not such property is in cultivation and regardless of the use to which such property is put.

(May 26, 1936, ch. 450, § 2, 49 Stat. 1372.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401b, 1401e of this title.

§ 1401b. Rate of tax in absence of local laws; regulations by President for assessment and collection pending adoption of local laws

Until local tax laws conforming to the requirements of sections 1401 to 1401e of this title are in effect in a municipality the tax on real property in such municipality for any calendar year shall be at the rate of 1.25 per centum of the assessed value. If the legislative authority of a municipality failed to enact laws for the levy, assessment, collection, or enforcement of any tax imposed under authority of said sections, within three months after May 26, 1936, the President shall prescribe regulations for the levy, assessment, collection, and enforcement of such tax, which shall be in effect until the legislative authority of such municipality shall make regulations for such purposes.

(May 26, 1936, ch. 450, § 3, 49 Stat. 1372.)

CROSS REFERENCES

Excess or additional rate of taxation for servicing outstanding bonds authorized, see section 1403 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1401e of this title.

§ 1401c. Depository

All taxes so levied and collected shall be deposited in the municipal treasury of the municipality in which such taxes are collected.

(May 26, 1936, ch. 450, § 4, 49 Stat. 1372.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401b, 1401e of this title.

§ 1401d. Payments by Virgin Islands Corporation; valuation; property owned by United States

The Virgin Islands Corporation shall pay annually into the municipal treasuries of the Virgin Islands in lieu of taxes an amount equal to the amount of taxes which would be payable on the real property in the Virgin Islands owned by the Virgin Islands Corporation, if such real property were in private ownership and taxable, but the valuation placed upon such property for taxation purposes by the local taxing authorities shall be reduced to a reasonable amount by the designee of the President of the United States as provided in

section 1407 of this title if, after investigation, he finds that such valuation is excessive and unreasonable, and any such reduction in valuation, together with the findings on which it is based, shall not be reviewable by any court. The Virgin Islands Corporation shall also pay into the municipal treasuries of the Virgin Islands amounts equal to the amounts of any taxes of general application which a private corporation similarly situated would be required to pay into the said treasuries. Similar payments shall be made with respect to any property owned by the United States in the Virgin Islands which is used for ordinary business or commercial purposes, and the income derived from any property so used shall be available for making such payments: *Provided, however,* That the payments authorized by this section shall not include payments in lieu of income taxes, capital stock taxes, or franchise taxes.

(May 26, 1936, ch. 450, § 5, 49 Stat. 1372; June 30, 1949, ch. 285, § 12, 63 Stat. 356.)

AMENDMENTS

1949—Act June 30, 1949, made section applicable to the Virgin Islands Corporation.

EFFECTIVE DATE OF 1949 AMENDMENT

Amendment by act June 30, 1949, effective as of June 30, 1949, see section 14 of act June 30, 1949, set out as an Effective Date note under section 1407 of this title.

CROSS REFERENCES

Financial control of Virgin Islands Company, see section 841 et seq. of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401b, 1401e of this title.

§ 1401e. Exemptions from taxation; authority of municipalities to alter, amend, or repeal existing laws

Nothing in sections 1401 to 1401e of this title shall be construed as altering, amending, or repealing exemptions from taxation, existing on May 26, 1936, of property used for educational, charitable, or religious purposes. Subject to the provisions of said sections, the legislative authority of the respective municipalities is empowered to alter, amend, or repeal, subject to the approval of the Governor, any law imposing taxes on real and personal property on May 26, 1936.

(May 26, 1936, ch. 450, § 6, 49 Stat. 1373.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1401b of this title.

§ 1401f. Purchases

The Territorial and local governments of the Virgin Islands are authorized to make purchases through the General Services Administration.

(Pub. L. 94-373, title I, § 100, July 31, 1976, 90 Stat. 1052.

CODIFICATION

Section, as it relates to Guam and American Samoa, is set out as sections 1423*l* and 1665, respectively, of this title.

SIMILAR PROVISIONS

Section is from Pub. L. 94-373, popularly known as the Department of the Interior and Related Agencies Appropriation Act, 1977. Similar provisions were contained in prior appropriation acts:

Dec. 23, 1975, Pub. L. 94-165, title I, § 100, 89 Stat. 987.

Aug. 31, 1974, Pub. L. 93-404, title I, § 100, 88 Stat. 812.

Oct. 4, 1973, Pub. L. 93-120, title I, § 100, 87 Stat. 433.

Aug. 10, 1972, Pub. L. 92-369, title I, § 100, 86 Stat. 512.

Aug. 10, 1971, Pub. L. 92-76, title I, § 100, 85 Stat. 233.

July 31, 1970, Pub. L. 91-361, title I, § 100, 84 Stat. 673.

Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 151.

July 26, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 430.

June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 63.

May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 174.

June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 179.

July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 278.

July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 102.

Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 339.

Aug. 3, 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 250.

May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 112.

June 23, 1959, Pub. L. 86-60, title I, § 100, 73 Stat. 101.

June 4, 1958, Pub. L. 85-439, title I, § 100, 72 Stat. 163.

July 1, 1957, Pub. L. 85-77, title I, § 100, 72 Stat. 163.

June 13, 1956, ch. 380, title I, § 101, 70 Stat. 264.

June 16, 1955, ch. 147, title I, § 1, 69 Stat. 149.

July 1, 1954, ch. 446, title I, § 101, 68 Stat. 372.

July 31, 1953, ch. 298, title I, § 1, 67 Stat. 273.

July 9, 1952, ch. 597, title I, § 101, 66 Stat. 457.

Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 263.

Sept. 6, 1950, ch. 896, ch. VII, title I, § 101, 64 Stat. 694.

§ 1402. Extension of industrial alcohol and internal revenue laws to Virgin Islands

Title III of the National Prohibition Act, as amended, and all provisions of the internal revenue laws relating to the enforcement thereof, are extended to and made applicable to the Virgin Islands, from and after August 27, 1935. The Insular Government shall advance to the Treasury of the United States such funds as may be required from time to time by the Secretary of the Treasury for the purpose of defraying all expenses incurred by the Treasury Department in connection with the enforcement in the Virgin Islands of the said Title III and regulations promulgated thereunder. The funds so advanced shall be deposited in a separate trust fund in the Treasury of the United States and shall be available to the Treasury Department for the purposes of this section.

(June 26, 1936, ch. 830, title III, § 329(c), 49 Stat. 1957.)

REFERENCES IN TEXT

The National Prohibition Act, as amended, referred to in text, is act Oct. 28, 1919, ch. 85, 41 Stat. 305, as amended Title III of such Act was classified principally to chapter 3 (§ 71 et seq.) of Title 27, Intoxicating Liquors, and was omitted in view of the incorporation of such provisions in the Internal Revenue Code of 1939, and subsequently into the Internal Revenue Code of 1954. See Codification note under section 71 of Title 27.

The internal revenue laws, referred to in text, are classified generally to Title 26, Internal Revenue Code.

CODIFICATION

Provisions similar to this section relating to Puerto Rico are set out as section 734a of this title.

CROSS REFERENCE

Industrial alcohol plants, application of internal revenue laws to Virgin Islands, see section 5314 of Title 26, Internal Revenue Code.

§ 1403. Issuance of bonds or other obligations by government or municipalities; use of proceeds; limit on public indebtedness; terms, execution, interest rate, and sale price; taxes

To construct, improve, extend, better, repair, reconstruct, acquire, and operate any and all types of public works which shall include, but not be limited to, streets, bridges, wharves, and harbor facilities, sewers and sewage-disposal plants, municipal buildings, schools, libraries, gymnasia and athletic fields, fire houses, electric distribution systems or other work pertaining to electric systems, and other public utilities, including those owned or operated by the Saint Thomas Power Authority, or to clear slums, accomplish urban redevelopment or provide low-rent housing, negotiable general obligation bonds and other obligations may be issued by the government of the Virgin Islands or any municipality thereof: *Provided*, That no public indebtedness of any municipality thereof shall be incurred in excess of 10 per centum of the aggregate assessed valuation of the taxable real property in such municipality and that no public indebtedness of the government of the Virgin Islands shall be incurred in excess of 10 per centum of the aggregate assessed valuation of the taxable real property in the islands. Bonds issued pursuant to sections 1403 to 1403b of this title shall bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner, as shall be prescribed by the government of the Virgin Islands or of the municipality issuing the bonds. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile, shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed 4 per centum per annum, payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest. All bonds issued by the government of the Virgin Islands or any municipality thereof, including specifically interest thereon, shall be exempt from taxation by the Government of the United States, or by the government of the Virgin Islands or any political subdivision thereof, or by any State, Territory, or possession or by any political subdivision of any State, Territory, or possession, or by the District of Columbia: *Provided further*, That the government of the Virgin Islands and any municipality thereof shall be obliged to levy and collect sufficient taxes for servicing any of the outstanding bonds, even if such taxation is required at a rate in excess of or in addition to the tax or tax rate of 1.25 per centum of the assessed value which is provided for in section 1401b of this title.

(Oct. 27, 1949, ch. 769, § 1, 63 Stat. 940.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1403a, 1403b, 1408a of this title.

§ 1403a. Expenditure of bond proceeds for public improvements

The proceeds of the bond issues or other obligations herein authorized shall be expended only for the public improvements set forth in section 1403 of this title, or for the reduction of the debt created by such bond issue or obligation, unless otherwise authorized by the Congress.

(Oct. 27, 1949, ch. 769, § 2, 63 Stat. 941.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1403, 1403b, 1408a of this title.

§ 1403b. Bond liability of United States

Bonds or other obligations issued pursuant to sections 1403 to 1403b of this title shall not be a debt of the United States, nor shall the United States be liable thereon.

(Oct. 27, 1949, ch. 769, § 3, 63 Stat. 941.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1403, 1408a of this title.

SUBCHAPTER II—CIVIL GOVERNMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1408a, 1574 of this title.

§ 1405. Geographical application of subchapter; land and waters included in term "Virgin Islands"

The provisions of this subchapter, and the name "the Virgin Islands" as used in this subchapter, shall apply to and include the territorial domain, lands and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. L. 1706).

(June 22, 1936, ch. 699, § 1, 49 Stat. 1807.)

CROSS REFERENCE

Provisions of this subchapter, not inconsistent with section 1541 et seq. of this title as continued in force and effect, see section 1574 of this title. See also Codification note preceding section 1391 of this title.

§ 1405a. Division into municipalities of "Saint Croix" and "Saint Thomas and Saint John"; boundaries; capital; governing authority

The insular possession which is the Virgin Islands shall be divided into two municipalities, namely, (1) the municipality of Saint Croix and (2) the municipality of Saint Thomas and Saint John. The boundaries of said municipalities shall be the same as at present established in accordance with laws in force on June 22, 1936, and the capital and seat of the central government shall be Saint Thomas. In this subchapter the phrase "the Government of the Virgin Islands" shall include, in addition to the governing authority of the insular possession, the governing authority of the two municipalities, unless the context shall indicate a different intention.

(June 22, 1936, ch. 699, § 2, 49 Stat. 1807.)

§ 1405b. Inhabitants of municipalities constituted bodies politic and juridic; powers generally

The inhabitants of the municipality of Saint Croix and of the municipality of Saint Thomas and Saint John are constituted into bodies politic and juridic, under the present name of each such municipality, and as such bodies they shall have perpetual succession and power (a) to adopt and use an official seal; (b) to sue and in cases arising out of contract to be sued; (c) to demand the fulfillment of obligations under the law and to defend and prosecute all actions at law; (d) to acquire property by purchase, exchange, donation or bequest, by virtue of proceedings for the collection of taxes, by eminent-domain proceedings, or by any other means provided by law, and to possess, administer, and govern such property; and (e) to alienate or encumber any of their property, subject to the provisions of this subchapter.

(June 22, 1936, ch. 699, § 3, 49 Stat. 1807.)

§ 1405c. Transfer of property to government

(a) Property not reserved

All property which may have been acquired by the United States from Denmark in the Virgin Islands under the convention entered into August 4, 1916, not reserved by the United States for public purposes prior to June 22, 1937, is placed under the control of the Government of the Virgin Islands.

(b) Applicability of United States law

Except as otherwise expressly provided, all laws of the United States for the protection and improvement of the navigable waters of the United States shall apply to the Virgin Islands.

(c) Applicability of tonnage duties

No Federal laws levying tonnage duties, light money, or entrance and clearance fees shall apply to the Virgin Islands.

(d) Presidential determination of applicable laws

The Legislative Assembly of the Virgin Islands shall have power to enact navigation, boat inspection, and safety laws of local application; but the President shall have power to make applicable to the Virgin Islands such of the navigation, vessel inspection, and coastwise laws of the United States as he may find and declare to be necessary in the public interest, and, to the extent that the laws so made applicable conflict with any laws of local application enacted by the Legislative Assembly, such laws enacted by the Legislative Assembly shall have no force and effect.

(e) Existing powers of United States officers unaffected

Nothing in this subchapter shall be construed to affect or impair in any manner the terms and conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of the Virgin Islands by any authorized officer or agent of the United States.

(June 22, 1936, ch. 699, § 4, 49 Stat. 1808; Aug. 7, 1939, ch. 515, 53 Stat. 1242; Oct. 31, 1951, ch. 654, § 1(127), 65 Stat. 706.)

AMENDMENTS

1951—Subsec. (f). Act Oct. 31, 1951, repealed subsec. (f), which authorized the Secretary of the Interior to lease or sell any property under his administrative supervision in the Virgin Islands not needed for public purposes.

1939—Act Aug. 7, 1939, designated existing provisions as subsecs. (a), (b), (e), and (f) and added subsecs. (c) and (d).

EX. ORD. NO. 19170. CERTAIN NAVIGATION LAWS MADE APPLICABLE TO VIRGIN ISLANDS

Ex. Ord. No. 9170, eff. May 21, 1942, 7 F.R. 384, provided in part:

It is ordered that all of the navigation and vessel inspection laws of the United States be, and they are hereby, made applicable to the Virgin Islands of the United States, with the following exceptions:

(1) The coastwise laws of the United States.

(2) The act of Congress approved June 7, 1897 (30 Stat. 96), as amended by the acts of February 19, 1900 (31 Stat. 30), May 25, 1914 (38 Stat. 381), March 1, 1933 (47 Stat. 1417), Aug. 21, 1935 (49 Stat. 668, 669), May 20, 1936 (49 Stat. 1367), and April 22, 1940 (54 Stat. 150).

(3) So much of the vessel inspection laws of the United States as requires the inspection as a passenger vessel of any cargo vessel, foreign or domestic, when carrying more than twelve passengers or persons in addition to the crew.

(4) Federal laws levying tonnage duties, light money, or entrance and clearance fees.

CROSS REFERENCES

Terms of the convention between the United States and Denmark, see Presidential Proclamation of Jan. 25, 1917, 39 Stat. 1706.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1545 of this title.

§ 1405d. Legislative branch; "Municipal Council of Saint Croix"; composition and election

All local legislative powers in the municipality of Saint Croix, except as herein otherwise provided, shall be vested in a local legislative assembly, which shall be designated the "Mu-

nicipal Council of Saint Croix." Said council shall consist of nine members elected by the qualified electors of the municipality for a term of two years beginning the 1st day of January next succeeding the date of election. The members shall be elected in four representative districts, two of which shall be the town of Christiansted and the country district thereof, and two of which shall be the town of Frederiksted and the country district thereof, as defined by law in force on June 22, 1936: *Provided*, That two members shall be elected for each of said districts and one member at large.

(June 22, 1936, ch. 699, § 5, 49 Stat. 1808.)

§ 1405e. "Municipal Council of Saint Thomas and Saint John"; composition and election

All local legislative powers in the municipality of Saint Thomas and Saint John, except as herein otherwise provided, shall be vested in a local legislative assembly which shall be designated the "Municipal Council of Saint Thomas and Saint John." Said council shall consist of seven members elected by the qualified electors of the municipality for a term of two years beginning the 1st day of January next succeeding the date of election. The members shall be elected in three representative districts, one of which shall be the town district and one the country district of Saint Thomas, and one the district of Saint John, as defined by law in force on June 22, 1936: *Provided*, That two members shall be elected for each of the districts of Saint Thomas, one member for the district of Saint John, and two members at large.

(June 22, 1936, ch. 699, § 6, 49 Stat. 1808.)

§ 1405f. "Legislative Assembly of the Virgin Islands"; composition; meetings; powers

After January 1, 1937, joint sessions of said municipal councils shall constitute and shall be designated the "Legislative Assembly of the Virgin Islands." The legislative assembly shall convene in Saint Thomas upon call by the Governor, and also whenever both municipal councils shall determine by resolutions passed by each of them: *Provided*, That the Governor shall call the legislative assembly at least once during each calendar year. The legislative assembly shall have power to enact legislation applicable to the Virgin Islands as a whole, but no legislation shall be considered other than that specified in the message by the Governor calling such a session, or in both of said resolutions: *Provided further*, That so long as the membership of the legislative assembly does not exceed sixteen members, a quorum of the legislative assembly shall consist of not less than ten members, and no bill shall be enacted until it shall be passed by a two-thirds majority vote of the members present. The municipal councils shall not enact laws or ordinances in conflict with the enactments of the legislative assembly.

(June 22, 1936, ch. 699, § 7, 49 Stat. 1808.)

§ 1405g. Elections, time of holding

After November 3, 1936, the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1938, and every two years thereafter.

(June 22, 1936, ch. 699, § 8, 49 Stat. 1809.)

CODIFICATION

Act June 22, 1936, § 8, contained additional provisions continuing, until Jan. 1, 1937, the former colonial councils, providing for the holding of the general election on Nov. 3, 1936, and extending to such date the terms of members of such councils of the municipalities of Saint Thomas and Saint John and of Saint Croix which otherwise would have expired prior to the date. These provisions were omitted as executed and obsolete.

§§ 1405h, 1405i. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 649

Section 1405h, act June 22, 1936, ch. 699, § 9, 49 Stat. 1809, related to eligibility for membership in municipal councils.

Section 1405i, act June 22, 1936, ch. 699, § 10, 49 Stat. 1809, related to compensation and travel expenses of municipal council members.

§ 1405j. Legislative branch; powers of councils; exemption from liability for speech in council; privilege from arrest

The respective municipal councils shall be the sole judges of the elections, returns, and qualifications of their members, shall be vested with the authority and attributes inherent in legislative bodies, and shall jointly or separately have the power to institute and conduct investigations, issue subpenas to witnesses and other parties concerned, and administer oaths. Existing rules of the colonial councils shall continue in force and effect, except as inconsistent with this subchapter, until altered, amended, or repealed by the respective municipal councils. No members shall be held to answer before any tribunal other than the respective municipal councils themselves for any speech or debate in the municipal councils and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the municipal councils and in going to and returning from the same.

(June 22, 1936, ch. 699, § 11, 49 Stat. 1809.)

§ 1405k. Municipal Committees; appointment and powers

Each municipal council shall annually appoint from among its members, for a term of one year, three members to serve as a standing committee, which, under the name of the "Municipal Committee", shall advise the Governor concerning the management of the fiscal affairs of the municipality, and concerning matters relating to the municipality. The procedure of the Municipal Committee shall be in accordance with bylaws adopted by the municipal council and approved by the Governor. The Municipal Committee shall have power when granted by local law to recommend to the Governor transfers between items in the annual budgets, and loans from municipal funds, but no such transfers or loans shall be made by the Governor except upon the recommendation of the Municipal Committee.

(June 22, 1936, ch. 699, § 12, 49 Stat. 1809.)

§ 1405*l*. Meetings of councils; time and place

Each municipal council shall assemble for ordinary meetings on a certain day of every second month, which day shall be previously fixed by the Governor for the whole year, and for extraordinary meetings at the call of the Governor or the chairman of the council. The Governor may postpone the meetings of the municipal councils, but not for a longer period than fourteen days. The Municipal Council of Saint Thomas and Saint John shall convene at Saint Thomas, and the Municipal Council of Saint Croix shall convene at Christiansted.

(June 22, 1936, ch. 699, § 13, 49 Stat. 1810.)

§ 1405m. Introduction of bills in councils by Governor; submission of annual budget; submission of reports

The Governor may introduce bills in the respective municipal councils. The Governor shall submit to the respective municipal councils, at least ninety days before the close of each fiscal year, a budget of estimated receipts and expenditures for the respective municipalities, which shall be the basis for the annual local appropriation bills for such municipalities. He shall from time to time submit to the respective municipal councils such reports concerning the fiscal affairs of the municipalities as may be requested by resolution of either municipal council.

(June 22, 1936, ch. 699, § 14, 49 Stat. 1810.)

§ 1405n. Quorum of councils; vote on adoption bills; journals

The quorum of each municipal council shall consist of an absolute majority of all its members. No bill shall become a law until it shall be passed by a majority (yea-and-nay) vote of the members present and voting of the municipal council having jurisdiction, entered upon the journal, and approved by the Governor, except as otherwise herein provided. Each municipal council shall keep a journal of its proceedings and publish the same during the year, and the yeas and nays of the members voting on any question shall be entered on the journal.

(June 22, 1936, ch. 699, § 15, 49 Stat. 1810.)

§ 1405o. Acts of councils and assembly; approval or veto by Governor; submission of repassed vetoed bills to President; annulment of acts by Congress; authorization of appropriations

New legislation, and repeals, alterations, and amendments of local laws of the Virgin Islands by the municipal council having jurisdiction, and by the legislative assembly, shall be effective and enforced when, and to the extent, such new legislation, repeals, alterations, and amendments are approved by the Governor, and the Governor shall state specifically in each case whether his approval or disapproval is in whole or in part, and if in part only, what part is approved and what part not approved. The Governor may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. If any bill passed by the municipal council having jurisdiction or by the legislative assembly be disapproved in whole or in part by the Governor, the Governor shall within thirty calendar days return such bill to the said municipal council or to the legislative assembly, whether in actual session or not, setting forth his objections. If after reconsideration by the legislative body having jurisdiction two-thirds of all the members of the said body pass such bill or part thereof, it shall be sent to the Governor who, in case he shall not then approve it, shall transmit the same to the President. If the President approves such bill or part of bill, he shall sign it and it shall become law; if he does not approve such bill or part of bill, he shall return it to the Governor, so stating, and it shall not become law. If any bill shall not be returned by the Governor as herein provided within thirty calendar days after it shall have been presented to him the same shall become a law in like manner as if he had signed it. The President shall approve or disapprove an act submitted to him under the provisions of this section within three months from and after its presentation for his approval; and if not acted upon within such time, it shall become a law the same as if it had been specifically approved. All laws enacted by the Municipal Council of Saint Croix, by the Municipal Council of Saint Thomas and Saint John, or by the legislative assembly, shall be reported by the Governor to the Secretary of the Interior, and by him to the Congress, which reserves the power and the authority to annual the same. The laws not annulled shall be published annually as a public document. If at the termination of any fiscal year the appropriation necessary for the support of the municipal government for the ensuing fiscal year shall not have been made, then the several sums apropriated[1] in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated, item by item; and until the municipal council of the municipality having jurisdiction shall act in such behalf, the Governor may make the payments and collections necessary for the purpose aforesaid.

(June 22, 1936, ch. 699, § 16, 49 Stat. 1810.)

§ 1405p. Voting franchise; discrimination based on race, color, sex, or religious belief prohibited

Beginning on January 1, 1938, or on such earlier date subsequent to January 1, 1937, as may be fixed by local law or ordinance for either municipality, and thereafter, the franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over, and able to read and write the English language. Additional qualifications may be prescribed by the legislative assembly: *Provided, however,* That no property or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

(June 22, 1936, ch. 699, § 17, 49 Stat. 1811.)

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[1] So in original. Probably should read "appropriated".

§ 1405q. Laws continued in force until modified; patent, trade mark, and copyright laws extended to Islands; jurisdiction of district court

The laws of the United States applicable to the Virgin Islands on June 22, 1936, and all local laws and ordinances in force on such date in the Virgin Islands, not inconsistent with this subchapter, shall continue in force and effect: *Provided*, That the Municipal Council of Saint Croix and the Municipal Council of Saint Thomas and Saint John, and the legislative assembly, shall have power when not inconsistent with this subchapter and within their respective jurisdictions, to amend, alter, modify, or repeal any law of the United States of local application only, or any ordinance, public or private, civil or criminal, continued in force and effect by this subchapter, except as herein otherwise provided, and to enact new laws and ordinances not inconsistent with this subchapter and not inconsistent with the laws of the United States hereafter made applicable to the Virgin Islands or any part thereof, subject to the power of the Congress to annul the same. The laws of the United States relating to patents, trade marks, and copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in the Virgin Islands as in the continental United States, and the District Court of the Virgin Islands shall have the same jurisdiction in causes arising under such laws as is exercised by United States district courts.

(June 22, 1936, ch. 699, § 18, 49 Stat. 1811.)

REFERENCES IN TEXT

The laws of the United States relating to patents, trade marks, and copyrights, referred to in text, are classified generally to Title 35, Patents, and Title 17, Copyrights.

CROSS REFERENCES

Jurisdiction of District Court of the Virgin Islands, see sections 1392b, 1406, 1406a, and 1612 of this title.

Provisions of this subchapter, not inconsistent with section 1541 et seq. of this title as continued in force and effect, see section 1574 of this title. See also Codification note preceding section 1391 of this title.

§ 1405r. Legislative power; tax discrimination against nonresidents prohibited

The legislative power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this subchapter or the laws of the United States made applicable to said islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty entered into by the United States, nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents.

(June 22, 1936, ch. 699, § 19, 49 Stat. 1811.)

§§ 1405s to 1405t. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649, 651, 655

Section 1405s, acts June 22, 1936, ch. 699, § 20, 49 Stat. 1812; Dec. 26, 1941, ch. 637, 55 Stat. 872, related to the executive branch of the Government, and to the appointment, powers and duties of the Governor.

Section 1405s-1, act Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880, prescribed the compensation of the Governor.

Section 1405s-1 was not enacted as part of act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which comprises this subchapter.

Section 1405t, act June 22, 1936, ch. 699, § 21, 49 Stat. 1812, related to the appointment, powers and duties of the Government Secretary.

§ 1405u. Executive branch; Administrator for Saint Croix; appointment, powers, and duties

The Secretary of the Interior shall appoint and Administrator for Saint Croix, who shall act for the Governor in the administration of the affairs of the municipality of Saint Croix. He shall, when practicable, attend all meetings of the Municipal Council of Saint Croix, before which body he shall give expression to the advice of the Governor. He shall exercise supervision over all administative departments in the municipality of Saint Croix, subject to the direction of the Governor.

(June 22, 1936, ch. 699, § 22, 49 Stat. 1812.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1405v. Executive and administrative officers; appointment, powers, and duties

The Secretary of the Interior shall appoint such other executive and administrative officers as may, in his discretion, be required. Such officers shall have such powers and duties as may be conferred or imposed upon them by law or ordinance, or by order of the Secretary of the Interior or executive regulation of the Governor not inconsistent with any such law or ordinance. The salary of all executive officers and employees appointed by the President or by the Secretary of the Interior shall be paid from funds appropriated for the Government of the Virgin Islands by the Congress in annual appropriation bills, or as may be otherwise provided by law. The officers appointed by the Secretary of the Interior shall hold office during his pleasure, and in making such appointments the Secretary shall give due consideration to natives of the Virgin Islands.

(June 22, 1936, ch. 699, § 23, 49 Stat. 1813.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1405w. Salaried officers and employees; appointment

The Governor shall appoint, by and with the advice and consent of the municipal council having jurisdiction, all salaried officers and employees of the municipal governments whose salaries are provided for in the budgets of the municipal governments. In the event of a vacancy in any appointive office under the Gov-

ernment of the Virgin Islands, or the absence, illness, or temporary disqualification of any appointive officer, the Governor shall designate an officer or employee of the Government of the Virgin Islands to discharge the functions of such officer during such vacancy, absence, illness, or temporary disqualification.

(June 22, 1936, ch. 699, § 24, 49 Stat. 1813.)

§ 1405w-1. Omitted

CODIFICATION

Section, act July 3, 1945, ch. 262, § 1, 59 Stat. 359, which related to the appointment of an executive assistant to the Governor and the legal counsel, was omitted as superseded by section 1591 of this title.

This section was not enacted as part of act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which comprises this subchapter.

§ 1405x. Judicial branch; "District Court of Virgin Islands"; inferior courts; Superior Court

The judicial power of the Virgin Islands shall be vested in a court to be designated "the District Court of the Virgin Islands" and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law: *Provided*, That the legislative assembly may provide for the organization and conduct of a Superior Court of the Virgin Islands and may transfer from the district court to such Superior Court jurisdiction over any or all causes other than those arising under the laws of the United States. Appeals from the Superior Court shall be as provided by law in the case of appeals from the district court.

(June 22, 1936, ch. 699, § 25, 49 Stat. 1813.)

§ 1405y. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649, 650, 654, 657

Section, acts June 22, 1936, ch. 699, § 26, 49 Stat. 1813; Aug. 5, 1939, ch. 430, 53 Stat. 1203; June 25, 1948, ch. 646, § 28, 62 Stat. 991; Feb. 10, 1954, ch. 6, § 3(a), 68 Stat. 12, related to the appointment of a judge of the district court, a special judge, district attorney, and court officers.

§ 1405z. Judicial branch; divisions of district court; terms; rules of practice; process

The District Court of the Virgin Islands shall consist of two divisions, one constituted by the municipality of Saint Croix and one constituted by the municipality of Saint Thomas and Saint John, as defined by local law in force on June 22, 1936. The judge of the district court shall hold court in each division at such time as he may designate by order, at least once in two months in each division. The rules of practice and procedure in such district court shall be prescribed by law or ordinance or by rules and regulations of the district judge not inconsistent with law or ordinance. The process of the district court shall run throughout the Virgin Islands.

(June 22, 1936, ch. 699, § 27, 49 Stat. 1813.)

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54, Title 18, Appendix, Crimes and Criminal Procedure.

§ 1406. Jurisdiction of district court generally

The district court shall have jurisdiction of—

(1) All criminal cases under the laws of the respective municipalities or under the laws of the United States applicable to the Virgin Islands;

(2) All cases in equity;

(3) All cases in admiralty;

(4) All cases of divorce and annulment of marriage;

(5) All cases at law involving principal sums exceeding $200;

(6) All cases involving title to real estate;

(7) All appeals from judgments rendered in the inferior courts;

(8) All matters and proceedings not otherwise hereinabove provided for which, on June 22, 1936, were within the jurisdiction of the District Court of the Virgin Islands, or of the judge thereof, or which may hereafter be placed within the jurisdiction of the District Court of the Virgin Islands, or of the judge thereof, by local law.

The district court shall also have concurrent jurisdiction with the inferior courts as provided in section 1406d of this title.

(June 22, 1936, ch. 699, § 28, 49 Stat. 1814.)

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54, Title 18, Appendix, Crimes and Criminal Procedure.

CROSS REFERENCES

Jurisdiction of—

District Court of the Virgin Islands over violations of provisions for protection of navigable waters, see section 1392b of this title.

Injunction proceedings under Fair Labor Standards Act of 1938, see section 217 of Title 29, Labor.

§ 1406a. Jurisdiction of district court over crimes on high seas

The district court shall also have jurisdiction of offenses under the criminal laws of the United States when such offenses are committed on the high seas beyond the territorial limits of the Virgin Islands on vessels belonging in whole or in part to the United States, to any citizen thereof, or to any corporation created by or under the laws of the United States or of any State or Territory thereof, and the offenders are found in the Virgin Islands or are brought into the Virgin Islands after the commission of the offense.

(June 22, 1936, ch. 699, § 29, 49 Stat. 1814.)

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54, Title 18, Appendix, Crimes and Criminal Procedure.

§ 1406b. Appeals from district court

Appeals from the District Court of the Virgin Islands shall be as provided by law in force on June 26, 1936: *Provided*, That no appeal shall be predicated upon the existence of a right of appeal under the law of Denmark.

(June 22, 1936, ch. 699, § 30, 49 Stat. 1814.)

§ 1406c. Jury trials in criminal cases

In any criminal case originating in said district court, no person shall be denied the right to trial by jury on the demand of either party: *Provided*, That if no jury is demanded the case shall be tried by the court without a jury: *Provided further*, That the judge of the district court may, on his own motion, order a jury for the trial of any criminal action: *Provided further*, That the respective municipal councils of Saint Croix and of Saint Thomas and Saint John, may provide for trial in misdemeanor cases by a jury of six qualified persons.

(June 22, 1936, ch. 699, § 31, 49 Stat. 1814.)

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54, Title 18, Appendix, Crimes and Criminal Procedure.

§ 1406d. Jurisdiction of inferior courts

The inferior courts shall have jurisdiction concurrent with the district court in all civil cases in which the principal sum claimed does not exceed $200, and of all criminal cases wherein the punishment that may be imposed shall not exceed a fine of $100 or imprisonment not exceeding six months, all violations of police regulations and executive regulations, and any cause or offense wherein jurisdiction hereafter shall have been conferred by local law. Such inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing said courts and prescribing the duties of inferior judges and inferior court officers, oaths, and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition and treatment of prisoners shall be as established by law or ordinance in force on June 22, 1936, or as may hereafter be established by law or ordinance by the municipal council having jurisdiction.

(June 22, 1936, ch. 699, § 32, 49 Stat. 1814.)

§ 1406e. Appeals from inferior courts

Appeals in civil and criminal cases from the judgments and rulings of the inferior courts shall be to the district court and shall be taken in accordance with the laws and ordinances of the respective municipalities: *Provided*, That the right of appeal in all cases, civil and criminal, shall be as established by law or ordinance in force on June 22, 1936, or as may hereafter be established by law or ordinance by the municipal council having jurisdiction.

(June 22, 1936, ch. 699, § 33, 49 Stat. 1815.)

§ 1406f. Judicial process; title of criminal prosecutions

All judicial process shall run in the name of "United States of America, scilicet, the President of the United States", and all penal or criminal prosecutions in the local courts shall be conducted in the name of and by authority of "the People of the Virgin Islands of the United States."

(June 22, 1936, ch. 699, § 37, 49 Stat. 1817.)

§ 1406g. Bill of rights and restrictions

No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex-post-facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing contained in this subchapter shall be construed to limit the power of the municipal councils herein provided to enact laws for the protection of life, the public health, or the public safety.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the Government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship without dis-

crimination or preference shall forever be allowed, and no political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the Government of the Virgin Islands.

The contracting of polygamous or plural marriages is prohibited.

No money shall be paid out of the treasury except in accordance with an Act of Congress or money bill of the local legislative authority having jurisdiction and on warrant drawn by the proper officer.

The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

(June 22, 1936, ch. 699, § 34, 49 Stat. 1815.)

§ 1406h. Taxes, duties and fees as funds for benefit of municipalities; appropriations

All taxes, duties, fees, and public revenues collected in the municipality of Saint Croix shall be covered into the treasury of the Virgin Islands and held in account for said municipality and all taxes, duties, fees, and public revenues collected in the municipality of Saint Thomas and Saint John shall be covered into said treasury of the Virgin Islands and held in account for said municipality: *Provided*, That the proceeds of customs duties, less the cost of collection, and the proceeds of the United States income tax, and the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands shall be covered into the treasury of the Virgin Islands and held in account for the respective municipalities, and shall be expended for the benefit and government of said municipalities in accordance with the annual municipal budgets. The Municipal Council of Saint Croix may make appropriations for the purposes of said municipality from, and to be paid out of, the funds credited to its account in the treasury of the Virgin Islands; and the Municipal Council of Saint Thomas and Saint John may make appropriations for the purposes of said municipality from, and to be paid out of, the funds credited to its account in said treasury.

(June 22, 1936, ch. 699, § 35, 49 Stat. 1816.)

§ 1406i. Taxes and fees; power to assess and collect; ports of entry; export duties

Taxes and assessments on property and incomes, internal-revenue taxes, license fees, and service fees may be imposed and collected, and royalties for franchises, privileges, and concessions granted may be collected for the purposes of the Government of the Virgin Islands as may be provided and defined by the municipal councils herein established: *Provided*, That all money hereafter derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury of the Virgin Islands and paid out for such purpose only, except when otherwise authorized by the legislative authority having jurisdiction after the purpose for which such fund was created has been accomplished. Until Congress shall otherwise provide, all laws concerning import duties and customs in the municipality of Saint Thomas and Saint John now in effect shall be in force and effect in and for the Virgin Islands: *Provided*, That the Secretary of the Treasury shall designate the several ports and sub-ports of entry in the Virgin Islands of the United States and shall make such rules and regulations and appoint such officers and employees as he may deem necessary for the administration of the customs laws in the Virgin Islands of the United States; and he shall fix the compensation of all such officers and employees and provide for the payment of such compensations and other expenses of the collection of duties, fees, and taxes imposed under the customs laws from the receipts thereof. The export duties in effect on June 22, 1936 may be from time to time reduced, repealed, or restored by ordinance of the municipal council having jurisdiction: *Provided further*, That no new export duties shall be levied in the Virgin Islands except by the Congress.

(June 22, 1936, ch. 699, § 36, 49 Stat. 1816.)

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to Title 19, Customs Duties.

§ 1406j. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649

Section, act June 22, 1936, ch. 699, § 38, 49 Stat. 1817, provided for the citizenship of officials and for oath of office.

§ 1406k. Jurisdiction of Secretary of the Interior and Attorney General

All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is authorized to place all matters pertaining to the Government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said Government which shall be as hereinbefore in this subchapter provided under the supervision of the Attorney General.

(June 22, 1936, ch. 699, § 39, 49 Stat. 1817.)

§ 1406l. Effective date

This subchapter shall take effect June 22, 1936, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the present incumbents of all offices under the Government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority.

(June 22, 1936, ch. 699, § 40, 49 Stat. 1817.)

§ 1406m. Short title

This subchapter may be cited as the Organic Act of the Virgin Islands of the United States.

(June 22, 1936, ch. 699, § 41, 49 Stat. 1817.)

CROSS REFERENCES

Provisions of this subchapter not inconsistent with section 1541 et seq. of this title as continued in force and effect, see section 1574 of this title and Codification note preceding section 1391 of this title.

SUBCHAPTER III—VIRGIN ISLANDS CORPORATION

§ 1407. Creation of Corporation; name

In order to promote the general welfare of the inhabitants of the Virgin Islands of the United States through the economic development of the Virgin Islands, there is created a body corporate to be known as the Virgin Islands Corporation, hereinafter referred to as the "Corporation". The Corporation shall be subject to the general direction of the President of the United States, or the head of such agency as he may designate as his representative.

(June 30, 1949, ch. 285, § 1, 63 Stat. 350.)

EFFECTIVE DATE

Section 14 of act June 30, 1949, provided that: "This Act [enacting sections 1407 to 1407i of this title and amending section 1401d of this title and section 846 of Title 31, Money and Finance] shall become effective June 30, 1949."

SHORT TITLE

Section 15 of act June 30, 1949, provided that: "This Act [enacting sections 1407 to 1407i of this title and amending section 1401d of this title and section 846 of Title 31, Money, and Finance] may be cited as the 'Virgin Islands Corporation Act'."

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by Reorg. Plan No. 3 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

DISSOLUTION OF VIRGIN ISLANDS COMPANY

Section 11 of act June 30, 1949, authorized the Secretary of the Interior, the Under Secretary of the Interior, and the Governor of the Virgin Islands, as the stockholders of the Virgin Islands Company, a corporation created by ordinance of the Colonial Council for Saint Thomas and Saint John, Virgin Islands of the United States, to take such steps as may be appropriate to dissolve the Virgin Islands Company.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401d, 1407b of this title.

§ 1407a. Principal offices; venue; establishment of branch offices

The Corporation shall have its principal offices in the Virgin Islands and in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be an inhabitant of each of these jurisdictions. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

(June 30, 1949, ch. 285, § 2, 63 Stat. 351.)

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by Reorg. Plan No. 3 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1407b. Authorized activities of Corporation

Subject to the provisions of the Government Corporation Control Act [31 U.S.C. 841 et seq.] the Corporation is authorized to engage in the following activities when it finds that such activities will further the purposes of this subchapter and will not conflict with the encouragement and promotion of private enterprise in the Virgin Islands:

(a) To examine, investigate, and conduct research and experimentation in the marketing, distributing, advertising, and exporting of products or resources of the Virgin Islands, and to make known the results of such activities.

(b) To encourage and promote the investment of private capital in industrial, agricultural, commercial, or related enterprises, undertakings, or activities in the Virgin Islands. Insofar as may be possible without jeopardizing the maximum development of the industrial, agricultural, commercial, and related resources of the Virgin Islands for the public good, the Corporation shall formulate its policies so as to encourage and promote the investment of capital owned by residents of the Virgin Islands.

(c) To engage in land-use planning to the end that the most economic and socially beneficial use may be made of the soil of the Virgin Islands, and to encourage and assist private persons and organizations to act in accordance with the results of such planning.

(d) To encourage and engage in the business of providing, whenever adequate facilities are not otherwise available, transportation for persons and property between the Virgin Islands and to and from the Virgin Islands, Puerto Rico, and Tortola.

(e) To encourage, promote, and develop, and to assist in the encouragement, promotion, and development of, tourist trade in the Virgin Islands.

(f) To encourage the establishment and development of small farms and small farm communities in the Virgin Islands, and, for that purpose, to construct, equip, improve, and supervise such small farms or communities and to give other assistance to them.

(g) To make loans to any person for the establishment, maintenance, operation, construction, reconstruction, repair, improvement, or enlargement of any industrial, commercial, agricultural, or related enterprise, undertaking, or activity in the Virgin Islands whenever such loans are not available from private sources. All loans so made shall be of such sound value or so secured as reasonably to assure repayment, taking into consideration the policy of the Congress that the lending powers of the Corporation shall be administered as a means for accomplishing the purposes stated in section 1407 of this title, and shall bear interest at a rate not exceeding 6 per centum per annum. It shall be the general policy of the Corporation to estab-

lish interest rates on loans, subject to the foregoing limitations, that, in the judgment of the Board of Directors, will at least cover the interest cost of funds to the United States Treasury, other expenses of the lending activities of the Corporation, and a risk factor which, over all, should provide for losses that may materialize on loans. The loans made under the authority of this paragraph outstanding at any one time shall not exceed a total of $5,000,000.

(h) To establish, maintain, operate, and engage in, upon its own account, any appropriate enterprise, undertaking, or activity for the development of the industrial, commercial, mining, agricultural, livestock, fishery, or forestry resources of the Virgin Islands: *Provided,* That the Corporation shall not engage in the manufacture of rum or other alcoholic beverages.

(June 30, 1949, ch. 285, § 3, 63 Stat. 351.)

REFERENCES IN TEXT

The Government Corporation Control Act, referred to in opening clause, is act Dec. 6, 1945, ch. 557, 59 Stat. 597, as amended, which is classified generally to chapter 14 (§ 841 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 841 of Title 31 and Tables volume.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by Reorg. Plan No. 3 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1407c of this title.

§ 1407c. General powers; termination date

The Corporation shall have, and may exercise, the following general powers in carrying on the activities specified in section 1407b of this title:

(a) To have succession until June 30, 1969, unless sooner dissolved by Act of Congress. At such time as the Board of Directors finds that the economic development of the Virgin Islands of the United States will be served effectively by the sale of some or all of the assets of the Corporation to private enterprise, such disposal may be effected, and for this purpose the Board of Directors is authorized to sell any or all such assets at such time as it considers appropriate for a fair and reasonable value, without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], or any other law: *Provided,* That the sale of any property valued at $500 or more shall be made only after public advertisement and by sealed competitive bids or public auction: *Provided further,* That in either such case the Government of the Virgin Islands shall have the right to purchase the property at a price not greater than that offered by the highest responsible bidder and that, in the case of sales of property valued at less than $500, it shall have a right to purchase at a price not greater than that offered by responsible prospective purchasers.

(b) To adopt, alter, and use a corporate seal, which shall be judicially noticed.

(c) To adopt, amend, and repeal bylaws governing the conduct of its business, and the performance of the powers and duties granted to or imposed upon it by law.

(d) To sue and to be sued in its corporate name.

(e) To determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the laws applicable specifically to Government corporations.

(f) To acquire, in any lawful manner, any property—real, personal, or mixed, tangible or intangible—to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same, whenever any of the foregoing transactions are deemed necessary or appropriate to the conduct of the activties authorized by this subchapter, and on such terms as may be prescribed by the Corporation.

(g) To enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation, as may be deemed necessary or appropriate to the conduct of the activities authorized by this subchapter, and on such terms as may be prescribed by the Corporation: *Provided,* That in no case shall the Corporation contract to undertake an activity for any agency or instrumentality of the United States, or for any State, Territory, or possession, or for any political subdivision thereof, unless the latter is authorized by law to undertake such activity and furnishes the funds for such purpose.

(h) To execute all instruments necessary or appropriate in the exercise of any of its functions.

(i) To appoint, without regard to the provisions of the civil-service laws, such officers, agents, attorneys, and employees as may be necessary for the conduct of the business of the Corporation; to delegate to them such powers and to prescribe for them such duties as may be deemed appropriate by the Corporation; to establish an efficiency or merit rating system, as may be desirable; to fix and pay such compensation to them for their services as the Corporation may determine, without regard to the provisions of the classification laws except to the extent that these laws may be extended to the Corporation by the President of the United States; and without regard to the provisions of any other law, to establish hours of work, conditions governing the payment of compensation for overtime hours, and working rules and working conditions generally. In the appointment of officials and the selection of employees for said Corporation, and in the promotion of any such officials or employees, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. Any member of said board who is found by the President of the United

States or his representative to be guilty of a violation of this section shall be removed from office by the President of the United States, and any appointee of said board who is found by the board to be guilty of a violation of this section shall be removed from office by said board. Persons employed by the Corporation shall not be included in making computations pursuant to the provisions of section 607 of the Federal Employees Pay Act of 1945, as amended. The Corporation shall give due consideration to residents of the Virgin Islands in the selection and promotion of its officers and employees.

(j) To use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government.

(k) To have, in the payment of debts out of bankrupt or insolvent estates, the priority of the United States.

(l) To accept gifts or donations of services, or of property—real, personal, or mixed, tangible or intangible—in aid of any of the activities authorized by this subchapter.

(m) To settle and adjust claims held by it against other persons or parties and by other persons or parties against the Corporation.

(n) To take such actions as may be necessary or appropriate to carry out the powers and duties herein or hereafter specifically granted to or imposed upon it.

(o) To construct, operate, and maintain salt water distillation facilities in Saint Thomas, Virgin Islands. Such facilities shall be used to supply water for sale to the government of the Virgin Islands and to persons purchasing directly from the Corporation: *Provided*, That the principal contract for the construction of such facilities shall not be executed by the Corporation—

(i) until the government of the Virgin Islands has contracted to purchase a minimum quantity of water at a price established by the Corporation, and the price established by the Corporation for sale of water shall be calculated to cover, as a minimum, all costs of construction, operation, and maintenance of such water distillation facilities, including but not limited to depreciation and payment of interest on the Corporation's indebtedness in connection with such facilities;

(ii) until the Secretary of the Interior has concluded that such facilities will most economically and expeditiously provide an adequate supplemental supply of potable water for St. Thomas; and

(iii) if the Secretary so concludes, until the expiration of forty-five calendar days (exclusive of days on which the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain) from the date on which such construction contract has been submitted to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate. With such contract, there shall also be submitted to such committees an explanatory statement of the Secretary's conclusion pursuant to (ii) hereof, together with the reasons therefor and supplemental data concerning alternative sources of water which have been investigated.

The Corporation shall report annually to the Congress on the operation of the plant and shall include in its reports all technical and operational information pertinent to the prosecution of the Government's saline water research and development program (Act of July 2 [3], 1952, 66 Stat. 328, as amended [42 U.S.C. 1951–1958]) which is derived from said operation.

(p) To borrow from the Treasury of the United States, within such amounts as may be approved in appropriation Acts, for the sole purpose of constructing, operating, and maintaining the facilities authorized in subsection (o) of this section, sums of money not to exceed a total of $2,000,000. For this purpose the Corporation may issue to the Secretary of the Treasury its notes, debentures, bonds, or other obligations to be redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations: *Provided*, That all such obligations shall be redeemed within a period of not to exceed twenty years from date of issuance out of revenues from the sale of water. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States having comparable maturities. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued hereunder and, for such purpose, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Corporation's obligations hereunder.

(June 30, 1949, ch. 285, § 4, 63 Stat. 352; Sept. 2, 1958, Pub. L. 85–913, §§ 1–3, 72 Stat. 1759; June 6, 1972, Pub. L. 92–310, title II, § 234, 86 Stat. 214.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of Title 40 and Tables volume.

The civil-service laws, referred to in subsec. (i), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The classification laws, referred to in subsec. (i), are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5, Government Organization and Employees.

Section 607 of the Federal Employees Pay Act of 1945, as amended, referred to in subsec. (i), which was classified to section 947 of former Title 5, Executive Departments and Government Officers and Employees, related to personnel ceilings and was repealed by act Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843.

Act July 3, 1952, 66 Stat. 328, as amended, referred to in subsec. (o), was popularly known as the Saline Water Conversion Act, and was repealed by section 11 of the Saline Water Conversion Act of 1971 (Pub. L. 92-60, July 29, 1971, 85 Stat. 159). The 1971 Act is classified to subchapter III (§ 1959 et seq.) of chapter 19 of Title 42, The Public Health and Welfare.

The Second Liberty Bond Act, referred to in subsec. (p), is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended. For complete classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

AMENDMENTS

1972—Subsec. (i). Pub. L. 92-310 eliminated provisions which empowered the Corporation to require bonds from officers, agents, attorneys, and employees as might have been designated.

1958—Subsec. (a). Pub. L. 85-913, § 1, extended the Corporation's existence from June 30, 1959, to June 30, 1969 and authorized the sale of assets to promote the economic development of the Virgin Islands.

Subsec. (i). Pub. L. 85-913, § 2, authorized the Corporation to establish an efficiency or merit rating system and to establish hours of work, conditions governing the payment of compensation for overtime hours, and working rules and working conditions generally.

Subsecs. (o), (p). Pub. L. 85-913, § 3, added subsecs. (o) and (p).

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate, referred to in subsec. (o)(iii), was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by Reorg. Plan No. 3 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1407d. Utilization of other Federal agencies and instrumentalities

The Corporation in carrying on the activities authorized by this subchapter shall utilize, to the extent practicable, the available services and facilities of other agencies and instrumentalities of the Federal Government or of the government of the Virgin Islands; and shall not engage in any undertaking which substantially duplicates an undertaking previously initiated and currently being prosecuted within the Virgin Islands by any such agency or instrumentality.

(June 30, 1949, ch. 285, § 5, 63 Stat. 353.)

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by Reorg. Plan No. 3 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1407e. Revolving fund; total amount available; advance appropriation for fiscal years 1950 and 1951; repayment to revolving fund

(a) The Corporation is authorized to obtain money from the Treasury of the United States, for use in the performance of the powers and duties granted to or imposed upon it by law, not to exceed a total of $15,000,000 outstanding at any one time. For this purpose appropriations not to exceed $15,000,000 are authorized to be made to a revolving fund in the Treasury. Advances shall be made to the Corporation from the revolving fund when requested by the Corporation. Not to exceed a total of $2,750,000 shall be appropriated under any authority contained in this subchapter for the period ending June 30, 1951, comprising the fiscal years 1950 and 1951.

(b) As the Corporation repays the amounts thus obtained from the Treasury, the repayments shall be made to the revolving fund.

(June 30, 1949, ch. 285, § 6, 63 Stat. 353; Sept. 2, 1958, Pub. L. 85-913, § 4, 72 Stat. 1760; Oct. 4, 1961, Pub. L. 87-382, 75 Stat. 812.)

AMENDMENTS

1961—Subsec. (a). Pub. L. 87-382 authorized an increase from $11,000,000 to $15,000,000 in amount of appropriations to be made to revolving fund in the Treasury of the United States for use by the Corporation in the performance of its powers and duties.

1958—Subsec. (a). Pub. L. 85-913 authorized an increase from $9,000,000 to $11,000,000 in amount of appropriations to be made to revolving fund in the Treasury of the United States for use by the Corporation in the performance of its powers and duties.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by Reorg. Plan No. 3 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407f, 1407g of this title.

§ 1407f. Corporate use of funds

(a) Undertaking new or major activities outside budget program; approval by Congress or President

The Corporation is authorized to use its funds, from whatever source derived, in the exercise of its corporate powers and functions: *Provided, however,* That the Corporation shall not undertake any new types of activities or major activities not included in the budget program submitted to the Congress pursuant to section 847 of title 31, except when authorized by legislation enacted by the Congress after said program is submitted, or except, when the Congress is not in session, upon finding made by the Corporation and approved by the President of the United States that an emergency exists which justifies the undertaking of new types of activities authorized by this subchapter but not included in the budget program. Such finding and emergency action shall be reported to the Congress by the President,

and appropriations for the expenses of such emergency action are authorized.

(b) Interest payments on advances; covered into Treasury; determination of interest rate

The Corporation shall pay into the Treasury as miscellaneous receipts interest on the advances from the Treasury provided for by section 1407e (a) of this title; on that part of the Government's investment represented by the value, at the time of transfer of the property and other assets transferred, less the liabilities assumed, pursuant to section 1407i of this title; and on the net value, as approved by the Director of the Office of Management and Budget, of any property and assets, the ownership of which hereafter may be transferred by the Government to the Corporation without cost, or for consideration clearly not commensurate with the value received. The Secretary of the Treasury shall determine the interest rate annually in advance, such rate to be calculated to reimburse the Treasury for its cost, taking into consideration the current average interest rate which the Treasury pays upon its marketable obligations.

(c) Contributions to civil-service retirement and disability fund and Employees' Compensation Fund; basis

The Corporation shall after June 30, 1949, contribute to the civil-service retirement and disability fund, on the basis of annual billings as determined by the Civil Service Commission, for the Government's share of the cost of the civil-service retirement system applicable to the corporation's employees and their beneficiaries. The Corporation shall also after June 30, 1949, contribute to the Employees' Compensation Fund, on the basis of annual billings as determined by the Federal Security Administrator for the benefit payments made from such fund on account of the Corporation's employees. The annual billings shall also include a statement of the fair portion of the cost of the administration of the respective funds, which shall be paid by the Corporation into the Treasury as miscellaneous receipts.

(June 30, 1949, ch. 285, § 7, 63 Stat. 353; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

REFERENCES IN TEXT

The civil service retirement and disability fund and the Employees' Compensation Fund, referred to in text, are provided for by sections 8348 and 8147, respectively, of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of Reorg. Plan No. 2, of 1970. Section 102 of Reorg. Plan No. 2 of 1970 redesignated the Bureau of the Budget as the Office of Management and Budget.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by Reorg. Plan No. 3 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1407g. Authorization of appropriations; appraisal of working capital requirements

(a) Appropriations are authorized for payment to the Corporation in the form of a grant of such amounts as may be necessary to cover losses incurred in the conduct of its activities which are included in the annual budget as predominantly revenue producing.

(b) Appropriations are also authorized for payment to the Corporation in the form of a grant, to be accounted for as general funds of the Corporation, in such amounts as may be necessary to meet expenses to be incurred for specific programs which are included in the annual budget as not predominantly of a revenue-producing character: *Provided, however,* That (1) in the case of activities of a predominantly non-revenue-producing character the expenses shall not exceed the amounts of the grants for these activities, and that (2) the funds granted under this subsection shall be expended only upon certification by a duly authorized certifying officer designated by the Corporation, and the responsibilities and liabilities of such certifying officer shall be fixed in the same manner as those of certifying officers under sections 82b and 82c to 82e of title 31.

(c) The Board of Directors shall have the power and duty to appraise at least annually its necessary working capital requirements and its reasonably foreseeable requirements for authorized plant replacement and expansion, and it shall pay into the Treasury of the United States any funds in excess thereof. Such payments shall be applied, first, to reduce the balance attributable to advances outstanding under section 1407e(a) of this title and, second, to the Government's investment represented by the value of the net assets transferred under section 1407i of this title and any subsequent similar investments by the Government in the Corporation.

(June 30, 1949, ch. 285, § 8, 63 Stat. 354; Sept. 2, 1958, Pub. L. 85-913, § 5, 72 Stat. 1760.)

AMENDMENTS

1958—Subsec. (a). Pub. L. 85-913 substituted provision authorizing appropriations only for deficits which have actually been incurred for prior provision permitting appropriation in advance of sums required to meet expected deficits.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by Reorg. Plan No. 3 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1407h. Board of Directors; composition, appointment, tenure, and compensation; selection of Chairman; meetings; duties; administrative staff

The management of the Corporation shall be vested in a Board of Directors consisting of seven members, including the Secretary of the Interior, the Secretary of Agriculture, the Administrator of the Small Business Administra-

tion, the Governor of the Virgin Islands, and three experienced businessmen who shall be appointed by the President of the United States.

The Board shall select its Chairman. The appointed directors shall serve for a period of six years, except that (1) any director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term, and (2) the terms of office of the directors first taking office after June 30, 1949 shall expire, as designated by the President at the time of appointment, one at the end of two years, one at the end of four years, and one at the end of six years, after June 30, 1949. Qualifications of Board members shall include demonstrated ability, attachment to the public interest, impartiality, and diversified experience among its members. The Board shall be responsible for over-all policy making and general supervision. The Board shall meet at least quarterly, at least one of which meetings each year shall be held in the Virgin Islands. The Board of Directors shall act only by a majority vote of those present at a meeting attended by a quorum, and such quorum shall consist of four directors. Subject to the foregoing limitation, vacancies in the membership of the Board shall not affect its power to act. The directors shall receive no salary for their services on the Board, but under regulations and in amounts prescribed by the Board, with the approval of the President or his representative, may be paid by the Corporation reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the Board and for time spent on official service of the Corporation, and their necessary travel expenses to and from meetings or when upon such official service, without regard to subchapter I of chapter 57 of title 5. The administrative functions shall be centered in a staff of full-time executive officers headed by a President appointed by the Board. The President shall be responsible to the Board for the execution of programs and policies adopted by the Board and for the day-to-day operations of the Corporation. Between meetings of the Board, the Chairman shall see that the Corporation faithfully executes the programs and policies adopted by the Board.

(June 30, 1949, ch. 285, § 9, 63 Stat. 354; Sept. 2, 1958, Pub. L. 85-913, § 6, 72 Stat. 1760.)

CODIFICATION

"Subchapter I of chapter 57 of title 5" was substituted in text for "the Travel Expense Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1958—Pub. L. 85-913 substituted in first paragraph "Administrator of the Small Business Administration" for "Chairman of the Reconstruction Finance Corporation."

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by Reorg. Plan No. 3 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14071. Transfer of functions

(a) There is transferred to the Corporation the following property:

(1) All property—real, personal, and mixed—now operated by the Virgin Islands Company on behalf of the United States, except the property now operated by that Company for the Department of the Interior which was conveyed to that Department by revocable permit from the Navy Department under agreement dated January 1, 1948. The value of the property so transferred shall be fixed at the depreciated cost as of June 30, 1947, shown in schedule 1 of the Comptroller General's report on the audit of the Virgin Islands Company for the fiscal year ended June 30, 1947, adjusted for all changes from that date to the date of transfer, including depreciation at the rates set forth in said schedule 1.

(2) All the assets and property—real, personal and mixed, tangible and intangible—of the Virgin Islands Company. The value of the property so transferred shall be fixed at the value shown on the books of the Virgin Islands Company at the date of transfer, subject to any adjustment deemed necessary as a result of the audit required to be made by the Comptroller General under section 850 of title 31.

(3) All the interest of the United States in the property known as Bluebeard's Castle Hotel situated in the island of Saint Thomas in the Virgin Islands. The value of the property so transferred shall be fixed at a value approved by the Director of the Office of Management and Budget.

(b) The Corporation shall assume and discharge all of the liabilities of the Virgin Islands Company: *Provided, however,* That such liabilities shall not be deemed to include the balances of relief grants held by the Virgin Islands Company which are invested in the assets and property embraced by paragraph (a)(2) of this section, and such balances shall become part of the investment of the United States in the Corporation.

(June 30, 1949, ch. 285, § 10, 63 Stat. 355; 1970 Reog. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of Reorg. Plan No. 2 of 1970. Section 102 of Reorg. Plan No. 2 of 1970, redesignated the Bureau of the Budget as the Office of Management and Budget.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by Reorg. Plan No. 3 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

TRANSFER OF FACILITIES; INVESTMENT INCREASE; SUPPLY OF ELECTRIC POWER

Pub. L. 85-913, § 7, Sept. 2, 1958, 72 Stat. 1760, authorized the Secretary of the Navy to transfer and convey to the Virgin Islands Corporation, without reimbursement, the power-generating facilities located at the Marine Corps air facility and naval submarine base, Saint Thomas, Virgin Islands, together with all the land, buildings, structures, facilities, distribution lines, fuel tanks, and equipment appurtenant thereto and necessary for the operation thereof, with such transfer to be accomplished not later than June 30, 1969.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407f, 1407g of this title.

SUBCHAPTER IV—PUBLIC HOUSING

§ 1408. Legislative authority to create authorities; appointment of members; powers of authorities

The government of the Virgin Islands, through its legislative assembly, may grant to a public corporate authority existing or to be created through said assembly, exclusive authority to undertake slum clearance, urban redevelopment, urban renewal, and low-rent housing activities within the municipalities of the Virgin Islands. The legislative assembly may provide for the appointment and terms of office of the members of such authority and for the powers of such authority, including authority to accept whatever benefits the Federal Government may make available under the Housing Act of 1949 (Public Law 171, Eighty-First Congress), as amended [42 U.S.C. 1441 et seq.], or any other law, for projects contemplated by this Act, as amended, and to do all things, to exercise any and all powers, and to assume and fulfill any and all obligations, duties, responsibilities, and requirements, including but not limited to those relating to planning or zoning, necessary or desirable for receiving such Federal assistance, except that such authority shall not be given any power of taxation, nor any power to pledge the faith and credit of the people of the Virgin Islands for any loan whatever.

(July 18, 1950, ch. 466, title III, § 301, 64 Stat. 346; Aug. 11, 1955, ch. 783, title I, § 107(5), (7), (9), 69 Stat. 638.)

REFERENCES IN TEXT

"This Act", referred to in text, means act July 18, 1950, ch. 466, 64 Stat. 344, known as the Territorial Enabling Act of 1950, which enacted this subchapter and sections 480 to 480b, 483a, 483b, 721 to 721b, and 910 to 910b of this title, amended sections 481, 482, 483, and 722 of this title, and enacted provisions set out as notes under sections 480, 481, and 722 of this title. For complete classification of this Act to the Code, see Tables volume.

The Housing Act of 1949, as amended, referred to in text, is act July 15, 1949, ch. 338, 63 Stat. 413, as amended, which is classified principally to chapter 8A (§ 1441 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables volume.

AMENDMENTS

1955—Act Aug. 11, 1955, included urban renewal projects, and inserted "as amended" after "Housing Act of 1949" and after "this Act".

URBAN RENEWAL ACTIVITIES

Section 107(4) of act Aug. 11, 1955, amended the heading of title III of the Territorial Enabling Act of 1950, this subchapter, to insert the words "urban renewal" in order to make financial assistance available for urban renewal projects.

§ 1408a. Issuance of notes, bonds, and obligations

The legislative assembly may authorize such authority, any provision of the Virgin Islands Organic Act [48 U.S.C. 1405 et seq.] or any other Act of Congress to the contrary notwithstanding, to borrow money and to issue notes, bonds, and other obligations of such character and maturity, with such security, and in such manner as the legislative assembly may provide. Such notes, bonds, and other obligations shall not be a debt of the United States, or of the Virgin Islands or of any municipality or subdivision thereof, other than such authority, nor constitute "bonds and other obligations" within the meaning of sections 1403 to 1403b of this title, or a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of notes, bonds, or other obligations contained in any laws of the United States applicable to the Virgin Islands or to any municipal corporation or other political subdivision or agency thereof.

(July 18, 1950, ch. 466, title III, § 302, 64 Stat. 346.)

REFERENCES IN TEXT

The Virgin Islands Organic Act, referred to in text, probably means the Organic Act of the Virgin Islands of the United States, act June 22, 1936, ch. 699, 49 Stat. 1807, as amended, which is classified generally to subchapter II (§ 1405 et seq.) of this chapter. For complete classification of this Act to the Code, see section 1406m of this title and Tables volume.

§ 1408b. Authorization of loans, conveyances, etc., by government and municipalities

The government of the Virgin Islands, through its legislative assembly, may assist such authority with cash donations, loans, conveyances of real and personal property, facilities, and services, and otherwise, and may authorize municipalities and other subdivisions to make cash donations, loans, conveyances of real and personal property to such authority, and to take other action, including but not limited to, the making available or the furnishing of facilities and services, in aid of slum clearance, urban redevelopment, urban renewal, or low-rent housing projects.

(July 18, 1950, ch. 466, title III, § 303, 64 Stat. 347; Aug. 11, 1955, ch. 783, title I, § 107(5), 69 Stat. 638.)

AMENDMENTS

1955—Act Aug. 11, 1955, included urban renewal projects.

§ 1408c. Grants-in-aid by Federal government

Notwithstanding the limitation contained in the last sentence of section 110(d) [42 U.S.C. 1460(d)] or in any other provision of title I [42 U.S.C. 1450 et seq.] of the Housing Act of 1949 (Public Law 171, Eighty-first Congress), as amended, the Secretary of Housing and Urban Development is authorized to allow and credit

to such authority as may be created for the Virgin Islands under this Act, as amended, (1) such local grants-in-aid as are otherwise approvable pursuant to the first sentence of said section 110(d) with respect to any slum clearance and urban redevelopment or urban renewal project or projects undertaken by such authority with Federal assistance made available under title I of the Housing Act of 1949, as amended, and (2) such grants-in-aid made or assistance given to the local community by any Federal department or agency pursuant to authority of law other than the Housing Act of 1949 [42 U.S.C. 1441 et seq.] which would, if made or given by a State or local community, be approvable pursuant to said first sentence of section 110(d) with respect to any such project or projects so undertaken.

(July 18, 1950, ch. 466, title III, § 304, 64 Stat. 347; Aug. 11, 1955, ch. 783, title I, § 107(6)–(9), 69 Stat. 638; May 25, 1967, Pub. L. 90–19, § 19, 81 Stat. 22.)

REFERENCES IN TEXT

The Housing Act of 1949, referred to in text, is act July 15, 1949, ch. 338, 63 Stat. 413, as amended, which is classified principally to chapter 8A (§ 1441 et seq.) of Title 42, The Public Health and Welfare. Title I of the Housing Act of 1949 (Public Law 171, Eighty-first Congress) is classified generally to subchapter II (§ 1450 et seq.) of chapter 8A of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables volume.

"This Act", referred to in text, means act July 18, 1950, ch. 466, 64 Stat. 344, known as the Territorial Enabling Act of 1950, which enacted sections 480 to 480b, 483a, 483b, 721 to 721b, 910 to 910b, 1408 to 1408e of this title, amended sections 481, 482, 483, 722 of this title, and enacted provisions set out as notes under sections 480, 481, and 722 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1967—Pub. L. 90–19 substituted "Secretary of Housing and Urban Development" for "Housing and Home Finance Administrators."

1955—Act Aug. 11, 1955, included urban renewal projects, and inserted "as amended" after (Public Law 171, Eighty-first Congress), after "this Act", and after "Housing Act of 1949" in clause (1).

§ 1408d. Ratification of prior acts

All legislation heretofore enacted by the legislative assembly of the Virgin Islands dealing with any part of the subject matter of this Act and not inconsistent herewith is ratified and confirmed.

(July 18, 1950, ch. 466, title III, § 305, 64 Stat. 347.)

REFERENCES IN TEXT

"This Act", referred to in text, means act July 18, 1950, ch. 466, 64 Stat. 344, known as the Territorial Enabling Act of 1950, which enacted this subchapter and sections 480 to 480b, 483a, 483b, 721 to 721b, and 910 to 910b of this title, amended sections 481, 482, 483, and 722 of this title, and enacted provisions set out as notes under sections 480, 481, and 722 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 1408e. Additional powers

Powers granted in this Act shall be in addition to and not in derogation of any powers granted by other law to or for the benefit or assistance of any public corporate authority or municipality.

(July 18, 1950, ch. 466, title III, § 306, 64 Stat. 347.)

REFERENCES IN TEXT

"This Act", referred to in text, means act July 18, 1950, ch. 466, 64 Stat. 344, known as the Territorial Enabling Act of 1950, which enacted this subchapter and sections 480 to 480b, 483a, 483b, 721 to 721b, and 910 to 910b of this title, amended sections 481, 482, 483, and 722 of this title, and enacted provisions set out as notes under sections 480, 481, and 722 of this title. For complete classification of this Act to the Code, see Tables volume.

SUBCHAPTER V—INTERNAL DEVELOPMENT

§ 1409. Projects; estimated costs; augmentation of limits; priorities

In order to assist in the internal development of the Virgin Islands, and for the benefit of the government, municipalities, and inhabitants thereof, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide or undertake the following useful projects, including work incidental thereto, on lands owned by the United States, the government of the Virgin Islands, the municipalities of Saint Thomas and Saint John and Saint Croix, or on land acquired for such purpose, at the respective estimated costs indicated: *Provided,* That where found necessary by the Secretary, the funds authorized herein shall be available for the augmentation of limits of cost of projects in an amount not exceeding 25 per centum for any project: *Provided further,* That items 2, 3, 4, 7, 8, 9, 14, 16, and 17 shall have priority over others of the projects on the islands of Saint Thomas and Saint John, and items 19, 20, 22, 27, and 29 shall have priority over others of the projects on the island of Saint Croix: *Provided further,* That funds shall be available for the purposes specified in section 1409a of this title on other projects without regard to the priorities so established.

PROJECTS ON ISLANDS OF SAINT THOMAS AND SAINT JOHN AND ESTIMATED COST THEREOF

1. Hospital facilities, $565,000.
2. Sanitation and fire-protection facilities, including sewer and water system, $563,695.
3. Intercepting sewer system including sewage treatment and disposal, $278,000.
4. Water supply facilities, $883,750.
5. Schools and educational facilities, $566,000.
6. Water-front highway, sea wall, and harbor facilities, $1,097,500.
7. Highways and roads, $1,387,300.
8. Street improvements, including stormwater drainage, $327,200.
9. Engineering surveys, $35,000.
10. Improvements to and construction of public buildings, $630,000.
11. Prison facilities, $105,000.
12. Recreational facilities, $80,000.
13. Telephone and radio communication facilities, $170,000.
14. Malarial control, $31,875.

15. Hospital, electric power plant, and improvements to administration building, Cruz Bay, Saint John, $47,500.
16. Abattoir and cooling plant facilities, $75,000.
17. Public market facilities, $80,000.

PROJECT ON ISLAND OF SAINT CROIX AND ESTIMATED COST THEREOF

18. Hospital facilities, $475,000.
19. Sanitation and fire protection facilities, including sewer and water systems, $244,600.
20. Water supply facilities, $490,000.
21. School and educational facilities, $510,000.
22. Highways and roads, $606,000.
23. Improvements to and construction of public buildings, $73,000.
24. Prison facilities, $113,000.
25. Recreational facilities, $30,000.
26. Telephone and radio communication facilities, $150,000.
27. Malarial control, $50,000.
28. Municipal pier for Christiansted, $190,000.
29. Public market facilities, $174,000.

(Dec. 20, 1944, ch. 615, § 1, 58 Stat. 827; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267.)

TRANSFER OF FUNCTIONS

All functions of the Administrator of General Services under this subchapter, together with so much of any other function of that Administrator or of the General Services Administration as is incidental to or necessary for the carrying out of the provisions of those sections, were transferred to the Secretary of the Interior by Reorg. Plan No. 15 of 1950, set out in the Appendix to Title 5, Government Organization and Employees. See sections 2 and 3 of that Plan for delegation of functions by the Secretary of the Interior, and for transfer of records, property, personnel, and funds.

"Administrator of General Services" was substituted for "Federal Works Administrator" by act June 30, 1949 which abolished the Federal Works Agency, and the office of Federal Works Administrator, and transferred the functions of that Agency, and of the Federal Works Administrator, to the Administrator of General Services. Section 103 of that act is set out as section 753 of Title 40 Public Buildings, Property, and Works.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions from Federal Works Agency and Federal Works Administrator to Administrator of General Services effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of Title 40, Public Buildings, Property, and Works.

ESTIMATES AS NOT CONSTITUTING LIMITATIONS

Act July 31, 1953, ch. 298, title I, § 1, 67 Stat. 275, provided in part that: "The estimated project costs specified in Act of December 20, 1944 [sections 1409 to 1409j of this title], shall not constitute limitations on amounts that may be expended for such projects."

Similar provisions were contained in acts July 9, 1952, ch. 597, title I, § 101, 66 Stat. 459; Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 264.

§ 1409a. Availability of funds for studies, estimates, plans and specifications

Not to exceed 5 per centum of the funds herein authorized shall also be available for the purpose of making studies, investigations, estimates, plans and specifications, preliminary and final, of the projects herein authorized in advance of undertaking projects and the cost thereof shall be charged to the projects involved.

(Dec. 20, 1944, ch. 615, § 2, 58 Stat. 828.)

§ 1409b. Acquisition of land; transfer of title upon completion of projects; acquisition and construction without regard to other laws

The Secretary is authorized to acquire, prior to the approval of title by the Attorney General if necessary (without regard to sections 4774 and 9774 of title 10, and section 5 of title 41), improved or unimproved lands or interests in lands by purchase, donation, exchange, or condemnation for any project herein authorized. Upon completion of projects on land acquired under this section the Secretary shall forthwith transfer all rights and title of the United States therein to the government of the Virgin Islands or the municipality of Saint Thomas and Saint John, or the municipality of Saint Croix, except those projects constructed for Federal agencies. Projects authorized by this subchapter may be constructed without regard to the provisions of section 255 of title 40, and sections 4774 and 9774 of title 10.

(Dec. 20, 1944, ch. 615, § 3, 58 Stat. 829; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267.)

CODIFICATION

"Sections 4774 and 9774 of title 10" were substituted for reference to section 1136 of the Revised Statutes, which had been classified to section 1339 of former title 10, on authority of section 49(b) of act Aug. 10, 1956, ch. 1041, 70A Stat. 640, section 1 of which enacted Title 10, Armed Forces, and section 509(c) and (e) of Pub. L. 93-166, Nov. 29, 1973, 87 Stat. 677, 678.

TRANSFER OF FUNCTIONS

In first sentence, "Secretary", referring to the Secretary of the Interior, was substituted for "Administrator", and, in second sentence, "Secretary" was substituted for "Administrator shall transfer custody thereof to the Secretary of the Interior, who", in view of Reorg. Plan No. 15 of 1950, set out in the Appendix to Title 5, Government Organization and Employees. See Transfer of Functions note under section 1409 of this title.

§ 1409c. Acceptance of funds and materials from government and municipalities; deposit of funds

The Secretary is further authorized to receive and accept funds, materials, supplies, and equipment from the government of the Virgin Islands, the municipalities of Saint Thomas and Saint John, and Saint Croix, and other sources, for use in connection with authorized projects or parts thereof. Any funds so received shall be deposited in a special fund in the Treasury of the United States and shall be expended or utilized as determined by the Secretary of the Interior.

(Dec. 20, 1944, ch. 615, § 4, 58 Stat. 829; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267.)

TRANSFER OF FUNCTIONS

"Secretary", referring to the Secretary of the Interior, was substituted for "Administrator", and "Secretary of the Interior" was substituted for "Administra-

tor of General Services", in view of Reorg. Plan No. 15 of 1950, set out in the Appendix to Title 5, Government Organization and Employees. See Transfer of Functions note under section 1409 of this title.

"Administrator of General Services" was substituted for "Federal Works Administrator" by act June 30, 1949. Section 103 of that act is set out as section 753 of Title 40, Public Buildings, Property, and Works. See Transfer of Functions note under section 1409 of this title.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions from Federal Works Agency and Federal Works Administrator to Administrator of General Services effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of Title 40, Public Buildings, Property, and Works.

§ 1409d. Construction by contract; employment; wages, hours, and terms

All construction with respect to projects shall be by contract; *Provided, however,* That repairs or improvements to existing structures or facilities and incidental work in connection with new structures or facilities may be accomplished by the employment of persons without regard to the civil-service and classification laws. The rates of pay, hours of work, and terms of employment for persons engaged on projects shall be fixed by the Secretary.

(Dec. 20, 1944, ch. 615, § 5, 58 Stat. 829; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267.)

REFERENCES IN TEXT

The civil-service laws, referred to in text, are classified generally to Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The classification laws, referred to in text, are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

"Secretary", referring to the Secretary of the Interior was substituted for "Administrator", in view of Reorg. Plan No. 15 of 1950, set out in the Appendix to Title 5, Government Organization and Employees. See Transfer of Functions note under section 1409 of this title.

§ 1409e. Procurement, warehousing and distribution of property, facilities, etc.; revolving funds

The Secretary is authorized to procure (without regard to the authority of the Administrator of General Services, to undertake the performance of such procurement, as regards procurement from sources within Puerto Rico and the Virgin Islands), and to warehouse and distribute property, facilities, structures, improvements, machinery, equipment, stores, and supplies from the funds appropriated pursuant to this subchapter. The Secretary is further authorized to prescribe rules and regulations for the establishment of special funds in the nature of revolving funds for use, during the availability of funds herein authorized, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools.

(Dec. 20, 1944, ch. 615, § 6, 58 Stat. 829; June 30, 1949, ch. 288, title I, § 102, 63 Stat. 380; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267.)

CHANGE OF NAME

Effective Jan. 1, 1947, the name of the Procurement Division of the Treasury Department was changed to the Bureau of Federal Supply by former regulation § 5.7 of subpart A of Part 5 of Title 41, Public Contracts, 11 F.R. 13638, issued by the Secretary of the Treasury.

TRANSFER OF FUNCTIONS

"Secretary", referring to the Secretary of the Interior was substituted for "Administrator", in view of Reorg. Plan No. 15 of 1950, set out in the Appendix to Title 5, Government Organization and Employees. See transfer of functions note under section 1409 of this title.

"Administrator of General Services" was substituted for "Bureau of Federal Supply", in view of act June 30, 1949, which abolished the Bureau of Federal Supply in the Department of the Treasury, and the office of Director thereof, and transferred the functions of that Bureau and of that Director, and of the personnel of that Bureau, along with the functions of the Secretary of the Treasury relating to that Bureau, to the Administrator of General Services. Section 102 of that act is set out as section 752 of Title 40, Public Buildings, Property, and Works.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions from Bureau of Federal Supply to Administrator of General Services effective July 1, 1949, see section 605 of Act June 30, 1949, set out as an Effective Date note under section 471 of Title 40, Public Buildings, Property, and Works.

§ 1409f. Inapplicability of section 5 of Title 41 to certain purchases and services

The provisions of section 5 of title 41 shall not apply to any purchase made or service procured in connection with the funds appropriated pursuant to this subchapter when the aggregate amount involved is less than $500.

(Dec. 20, 1944, ch. 615, § 7, 58 Stat. 829.)

§ 1409g. Disability and death benefits for employees; exceptions

The provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits shall apply to persons (except administrative employees qualifying as civil employees of the United States) receiving compensation from funds appropriated pursuant to this subchapter for services rendered as employees of the United States: *Provided,* That this section shall not apply in any case coming within the purview of the workmen's compensation laws of the Virgin Islands, or in any case in which the claimant has received or is entitled to receive similar benefits for injury or death.

(Dec. 20, 1944, ch. 615, § 8, 58 Stat. 829.)

REFERENCES IN TEXT

Act of Feb. 15, 1934 (48 Stat. 351), as amended, referred to in text, was classified to section 796 of former Title 5, and was repealed as obsolete by section 8(a) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 648, the first section of which enacted Title 5, Government Organization and Employees.

§ 1409h. Consideration and determination of claims for injuries and damages; limitations; conclusiveness of settlement

The Secretary is authorized to consider, ascertain, adjust, determine, and pay from the

funds appropriated pursuant to this subchapter any claim on account of injury to persons, or any claim for damage to or loss of privately owned property, caused by the negligence of any employee of the United States paid from such funds while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of $500 or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof and the action upon such claim so accepted by the claimant shall be conclusive.

(Dec. 20, 1944, ch. 615, § 9, 58 Stat. 829; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267.)

TRANSFER OF FUNCTIONS

"Secretary", referring to the Secretary of the Interior, was substituted for "Administrator", in view of Reorg. Plan No. 15 of 1950, set out in the Appendix to Title 5, Government Organization and Employees. See Transfer of Functions note under section 1409 of this title.

§ 1409i. Rules and regulations

The Secretary is authorized to make such rules and regulations as he may deem necessary to carry out the provisions of this subchapter.

(Dec. 20, 1944, ch. 615, § 10, 58 Stat. 830; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267.)

TRANSFER OF FUNCTIONS

"Secretary", referring to the Secretary of the Interior, was substituted for "Administrator", in view of Reorg. Plan No. 15 of 1950, set out in the Appendix to Title 5, Government Organization and Employees. See Transfer of Functions note under section 1409 of this title.

§ 1409j. Authorization for appropriations for administrative and other expenses; inapplicability of other laws; transportation of personnel; payments

There is authorized to be appropriated the sum of $10,028,420, $2,028,420 to be available in 1945, and $2,000,000 in each of the following four years, each yearly sum to remain available until expended, for the purpose of carrying out the provisions of this subchapter, administrative and otherwise, including the employment of engineers, architects, and consultants without regard to section 5 of title 41, and the civil-service and classification laws; personal services and rental in the District of Columbia and elsewhere; supplies and equipment; travel expenses, including transfer of household goods and effects as provided by the Act of October 10, 1940 (5 U.S.C. 73c-1), and, notwithstanding any other provision of law, transportation to the Virgin Islands and return of officers, employees, and other persons engaged in carrying out the functions prescribed in this subchapter; purchase, repair, operations, and maintenance of motor-propelled passenger-carrying vehicles; and such other expenses as may be necessary for the accomplishment of the objectives of this subchapter. All payments from funds made available pursuant to this subchapter shall be made through the Division of Disbursements of the Treasury Department, upon vouchers certified by the Secretary or employees designated by him for such purpose.

(Dec. 20, 1944, ch. 615, § 11, 58 Stat. 830; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267.)

REFERENCES IN TEXT

The civil-service laws, referred to in text, are classified generally to Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The classification laws, referred to in text, are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5, Government Organization and Employees.

The Act of October 10, 1940 (5 U.S.C. 73c-1), referred to in text, was repealed by act Aug. 2, 1946, ch. 744, § 2, 60 Stat. 807, eff. Nov. 1, 1946. See now section 5721 et seq. of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

"Secretary" was substituted for "Administrator", in view of Reorg. Plan No. 15 of 1950, set out in the Appendix to Title 5, Government Organization and Employees. See Transfer of Functions note under section 1409 of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14, Coast Guard. The "Division of Disbursements", referred to in text, is a unit within the Bureau of Accounts, which is in the Fiscal Service, an agency of the Treasury Department.

SUBCHAPTER VI—AGRICULTURAL PROGRAM

§ 1409m. Establishment and maintenance of an agricultural program

The Secretary of Agriculture is authorized to establish and maintain in the Virgin Islands of the United States an agricultural research and extension service program. In carrying out the program authorized by this subchapter the Secretary shall utilize the agencies, facilities, and employees of the Department of Agriculture, and may cooperate with the government of the Virgin Islands, and other public and private organizations and individuals in the Virgin Islands and elsewhere.

(Oct. 29, 1951, ch. 603, § 1, 65 Stat. 661.)

§ 1409n. Interagency transfer of functions, property, and personnel

The Secretary of the Interior is authorized to transfer to the United States Department of Agriculture such part of the functions, property, personnel, records, and unexpended balances of appropriations of the agricultural experiment stations in the Virgin Islands as may be agreed upon between the Secretary of the Interior and the Secretary of Agriculture.

(Oct. 29, 1951, ch. 603, § 2, 65 Stat. 662.)

§ 1409o. Authorization of appropriations; use of funds

There is authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subchapter. The moneys appropriated in pursuance of this subchapter shall also be available for the purchase and rental of land and the construction or acquisition of buildings, for the equipment and maintenance of such buildings, purchase and rental of passenger-carrying automobiles, employment of persons in the District of Columbia and elsewhere, and for printing and disseminating the results of research, and such other expenditures as may be necessary to carry out the purposes of this subchapter. Sums appropriated in pursuance of this subchapter shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to the Department of Agriculture, and may be allocated to such agencies of the Department as are concerned with the administration of the program of the Virgin Islands.

(Oct. 29, 1951, ch. 603, § 3, 65 Stat. 662.)

CHAPTER 8—GUANO ISLANDS

Sec.
1411. Guano districts; claim by United States.
1412. Notice of discovery of guano, and proofs.
1413. Completion of proof on death of discoverer.
1414. Exclusive privileges of discoverer.
1415. Restrictions upon exportation.
1416. Regulation of trade.
1417. Criminal jurisdiction.
1418. Employment of land and naval forces in protection of rights.
1419. Right to abandon islands.

§ 1411. Guano districts; claim by United States

Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States.

(R.S. § 5570.)

CODIFICATION

R.S. § 5570 is from act Aug. 18, 1856, ch. 164, § 1, 11 Stat. 119.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1415, 1417 of this title.

§ 1412. Notice of discovery of guano and proofs

The discoverer shall, as soon as practicable, give notice verified by affidavit, to the Department of State, of such discovery, occupation, and possession, describing the island, rock, or key, and the latitude and longitude thereof, as near as may be, and showing that such possession was taken in the name of the United States; and shall furnish satisfactory evidence to the State Department that such island, rock, or key was not, at the time of the discovery thereof, or of the taking possession and occupation thereof by the claimants, in the possession or occupation of any other government or of the citizens of any other government, before the same shall be considered as appertaining to the United States.

(R.S. § 5571.)

CODIFICATION

R.S. § 5571 is from act Aug. 18, 1856, ch. 164, § 1, 11 Stat. 119.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1413 of this title.

§ 1413. Completion of proof on death of discoverer

If the discoverer dies before perfecting proof of discovery or fully complying with the provisions of section 1412 of this title, his widow, heir, executor, or administrator shall be entitled to the benefits of such discovery, upon complying with the provisions of this chapter. Nothing herein shall be held to impair any rights of discovery or any assignment by a discoverer recognized prior to April 2, 1872, by the United States.

(R.S. § 5572.)

CODIFICATION

R.S. § 5572 is from act Apr. 2, 1872, ch. 81, § 1, 17 Stat. 48.

§ 1414. Exclusive privileges of discoverer

The discoverer, or his assigns, being citizens of the United States, may be allowed, at the pleasure of Congress, the exclusive right of occupying such island, rocks, or keys, for the purpose of obtaining guano, and of selling and delivering the same to citizens of the United States, to be used therein, and may be allowed to charge and receive for every ton thereof delivered alongside a vessel, in proper tubs, within reach of ship's tackle, a sum not exceeding $8 per ton for the best quality, or $4 for every ton taken while in its native place of deposit.

(R.S. § 5573.)

CODIFICATION

R.S. § 5573 is from act Aug. 18, 1856, ch. 164, § 2, 11 Stat. 119.

§ 1415. Restrictions upon exportation

No guano shall be taken from any island, rock, or key mentioned in section 1411 of this title, except for the use of the citizens of the United States or of persons resident therein. The discoverer, or his widow, heir, executor, administrator, or assigns, shall enter into bond, in such penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture of all rights accruing under and by virtue of this chapter.

(R.S. § 5574.)

CODIFICATION

R.S. § 5574 is from acts Aug. 18, 1856, ch. 164, § 2, 11 Stat. 119; July 28, 1866, ch. 298, § 3, 14 Stat. 328; Apr. 2, 1872, ch. 81, § 1, 17 Stat. 48.

An additional provision of R.S. § 5574 suspending this section for 5 years from and after July 14, 1872, in relation to all persons who had complied with the provisions of that title of the Revised Statutes, was omitted as temporary.

§ 1416. Regulation of trade

The introduction of guano from such islands, rocks, or keys shall be regulated as in the coasting trade between different parts of the United States, and the same laws shall govern the vessels concerned therein.

(R.S. § 5575.)

CODIFICATION

R.S. § 5575 is from act Aug. 18, 1856, ch. 164, § 3, 11 Stat. 120.

§ 1417. Criminal jurisdiction

All acts done, and offenses or crimes committed, on any island, rock, or key mentioned in section 1411 of this title, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant ship or vessel belonging to the United States; and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

(R.S. § 5576.)

CODIFICATION

R.S. § 5576 is from act Aug. 18, 1856, ch. 164, § 6, 11 Stat. 120.

CROSS REFERENCES

Crimes committed on any island, rock, or key, containing deposits of guano, which may be considered as appertaining to the United States, to be punished as crimes under admirality or maritime jurisdiction, see section 7 of Title 18, Crimes and Criminal Procedure.

§ 1418. Employment of land and naval forces in protection of rights

The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assigns.

(R.S. § 5577.)

CODIFICATION

R.S. § 5577 is from act Aug. 18, 1856, ch. 164, § 5, 11 Stat. 120.

§ 1419. Right to abandon islands

Nothing in this chapter contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same.

(R.S. § 5578.)

CODIFICATION

R.S. § 5578 is from act Aug. 18, 1856, ch. 164, § 4, 11 Stat. 120.

CHAPTER 8A—GUAM

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DELEGATE TO CONGRESS FROM GUAM

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1425b, 1681b of this title.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1421. Territory included under name Guam

The territory ceded to the United States in accordance with the provisions of the Treaty of Peace between the United States and Spain, signed at Paris, December 10, 1898, and proclaimed April 11, 1899, and known as the island of Guam in the Marianas Islands, shall continue to be known as Guam.

(Aug. 1, 1950, ch. 512, § 2, 64 Stat. 384.)

EFFECTIVE DATE; CONTINUATION OF FEDERAL ADMINISTRATION

Section 34 of act Aug. 1, 1950, provided that on the 21st day of July 1950, the authority and powers conferred by this chapter would come into force, and authorized the President, for a period not to exceed one year from Aug. 1, 1950, to continue the administration of Guam in all or in some respects as provided by law, Executive order, or local regulation in force on Aug. 1, 1950. It further authorized the President in his discretion to place in operation all or some of the provisions of this chapter if practicable before the expiration of the period of one year.

SHORT TITLE OF 1968 AMENDMENTS

Pub. L. 90-601, § 1, Oct. 17, 1968, 82 Stat. 1172, provided that: "This Act [enacting sections 1428 to 1428e of this title] may be cited as the 'Guam Development Fund Act of 1968'."

Pub. L. 90-497, § 14, Sept. 11, 1968, 82 Stat. 848, provided that: "This Act [enacting section 1422d of this title and section 335 of Title 10, Armed Forces, amending sections 1421a, 1421b, 1421c, 1421d, 1421f, 1422, 1422a, 1422b, 1422c, 1423b, 1423h, and 1423i of this title, and enacting provisions set out as notes under this section and section 1422 of this title] may be cited as the 'Guam Elective Governor Act'."

SHORT TITLE

Section 1 of act Aug. 1, 1950, provided that: "This Act [enacting this chapter and amending section 703 of Title 8, Aliens and Nationality] may be cited as the 'Organic Act of Guam'."

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of Guam, see section 1701 et seq. of this title.

EX. ORD. NO. 10077. TRANSFER OF ADMINISTRATION OF GUAM

Ex. Ord. No. 10077, eff. Sept. 7, 1949, 14 F.R. 5523, as amended by Ex. Ord. No. 10137, eff. June 30, 1950, 15 F.R. 4241, provided:

1. The administration of the Island of Guam is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on August 1, 1950.

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of the administration of the Island of Guam as embodied in the above mentioned memorandum of understanding between the two departments.

3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government on the Island of Guam.

4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

5. The said Executive Order No. 108-A of December 23, 1898, is revoked, effective July 1, 1950.

§ 1421a. Unincorporated territory; capital; powers of government; suits against government; type of government; supervision.

Guam is declared to be an unincorporated territory of the United States and the capital and seat of government thereof shall be located at the city of Agana, Guam. The government of Guam shall have the powers set forth in this chapter, shall have power to sue by such name, and, with the consent of the legislature evidenced by enacted law, may be sued upon any contract entered into with respect to, or any tort committed incident to, the exercise by the government of Guam of any of its lawful powers. The government of Guam shall consist of three branches, executive, legislative, and judicial, and its relations with the Federal Government in all matters not the program responsibility of another Federal department or agency, shall be under the general administrative supervision of the Secretary of the Interior.

(Aug. 1, 1950, ch. 512, § 3, 64 Stat. 384; Sept. 21, 1959, Pub. L. 86-316, 73 Stat. 588; Sept. 11, 1968, Pub. L. 90-497, § 12(a), 82 Stat. 847.)

Amendments

1968—Pub. L. 90-497 substituted provisions that all matters concerning Guam which are not the program responsibility of other Federal departments or agencies be under the general administrative supervision of the Secretary of the Interior for provisions that the general administrative supervision of matters concerning Guam be under the head of such civilian department or agency of the government of the United States as the President might direct.

1959—Pub. L. 86-316 permitted government of Guam, with consent of legislature, to be sued.

Effective Date of 1968 Amendment

Amendment by Pub. L. 90-497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90-497, set out as an Effective Date of 1968 Amendment note under section 1422 of this title.

Section Referred to in Other Sections

This section is referred to in section 1423i of this title.

§ 1421b. Bill of rights

(a) No law shall be enacted in Guam respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of their grievances.

(b) No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

(c) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persorr or things to be seized.

(d) No person shall be subject for the same offense to be twice put in jeopardy of punishment; nor shall he be compelled in any criminal case to be a witness against himself.

(e) No person shall be deprived of life, liberty, or property without due process of law.

(f) Private property shall not be taken for public use without just compensation.

(g) In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

(h) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(i) Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in Guam.

(j) No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

(k) No person shall be imprisoned for debt.

(*l*) The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

(m) No qualification with respect to property, income, political opinion, or any other matter apart from citizenship, civil capacity, and residence shall be imposed upon any voter.

(n) No discrimination shall be made in Guam against any person on account of race, language, or religion, nor shall the equal protection of the laws be denied.

(o) No person shall be convicted of treason against the United States unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(p) No public money or property shall ever be appropriated, supplied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such.

(q) The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

(r) There shall be compulsory education for all children, between the ages of six and sixteen years.

(s) No religious test shall ever be required as a qualification to any office or public trust under the government of Guam.

(t) No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of Guam or of the United States shall be qualified to hold any public office of trust or profit under the government of Guam.

(u) The following provisions of and amendments to the Constitution of the United States are hereby extended to Guam to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments.

All laws enacted by Congress with respect to Guam and all laws enacted by the territorial legislature of Guam which are inconsistent with the provisions of this subsection are repealed to the extent of such inconsistency.

(Aug. 1, 1950, ch. 512, § 5, 64 Stat. 385; Sept. 11, 1968, Pub. L. 90-497, § 10, 82 Stat. 847.)

AMENDMENTS

1968—Subsec. (u). Pub. L. 90-497 added subsec. (u).

EFFECTIVE DATE OF 1968 AMENDMENT

Section 10 of Pub. L. 90-497 provided in part that the amendment by section 10 of Pub. L. 90-497 is effective on the date of enactment of Pub. L. 90-497, which was approved on Sept. 11, 1968.

CROSS REFERENCES

Advocating overthrow of government, penalty for, see section 2385 of Title 18, Crimes and Criminal Procedure.

§ 1421c. Certain laws continued in force; modification or repeal of laws

(a) The laws of Guam in force on August 1, 1950, except as amended by this chapter, are continued in force, subject to modification or repeal by the Congress of the United States or the Legislature of Guam, and all laws of Guam inconsistent with the provisions of this chapter are repealed to the extent of such inconsistency.

(b) Repealed. Pub. L. 90-497, § 7, Sept. 11, 1968, 82 Stat. 847.

(Aug. 1, 1950, ch. 512, § 25, 64 Stat. 390; Sept. 11, 1968, Pub. L. 90-497, § 7, 82 Stat. 847.)

AMENDMENTS

1968—Subsec. (b). Pub. L. 90-497 repealed subsec. (b) which prohibited the application to Guam of laws of the United States not specifically made applicable to Guam and established a commission to determine which laws were applicable to Guam and which were not.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 7 of Pub. L. 90-497 provided in part that the amendment by section 7 of Pub. L. 90-497 is effective on the date of enactment of Pub. L. 90-497, which was approved on Sept. 11, 1968.

CROSS REFERENCES

Acknowledgment of deeds, see section 1421f-1 of this title.

Fair Labor Standards Act, application to Guam, see section 213 of Title 29, Labor.

National Bank Act, application to Guam, see section 41 of Title 12, Banks and Banking.

Park programs, state as including Guam, see section 17n of Title 16, Conservation.

§ 1421d. Salaries and allowances of officers and employees

The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of Guam, and the members of the legislature, shall be paid by the government of Guam at rates prescribed by the laws of Guam.

(Aug. 1, 1950, ch. 512, § 26, 64 Stat. 391; Aug. 1, 1956, ch. 852, § 21, 70 Stat. 911; July 30, 1965, Pub. L. 89-100, 79 Stat. 424; Sept. 11, 1968, Pub. L. 90-497, § 9, 82 Stat. 847.)

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-497, § 9(a), repealed subsec. (c) which provided for the payment of transportation expenses by the United States of all officers and employees of the government of Guam if their homes were outside Guam.

Pub. L. 90-497, § 9(b), removed subsection designations and substituted provisions that the government of Guam pay the salaries and travel expenses of the Governor, Lieutenant Governor, heads of executive departments, members of the legislature, and government officers and employees at rates prescribed by the laws of Guam for provisions setting the salary for the Governor and Secretary of Guam and allowing for the payment of transportation expenses and salaries of certain officers and employees by the United States.

1965—Subsec. (e). Pub. L. 89-100 substituted provisions empowering the government of Guam to fix and pay legislative salaries and expenses for provisions which specifically fixed a sum of $15 per day to be paid each member for every day the legislature is in session payable out of Congressional appropriations and which required all other expenses to be paid by the government of Guam.

1956—Subsec. (a). Act Aug. 1, 1956, substituted "the Governor of the Virgin Islands in the Executive Pay Act of 1949, as heretofore or hereafter amended," for "Governors of Territories and possessions in the Executive Pay Act of 1949, but not to exceed $13,125,".

EFFECTIVE DATE OF 1968 AMENDMENT

Section 9(a) of Pub. L. 90-497 provided in part that the repeal of subsec. (c) of this section by section 9(a) of Pub. L. 90-497 is effective on the date of enactment of Pub. L. 90-497, which was approved on Sept. 11, 1968.

Section 9(b) of Pub. L. 90-497 provided in part that the amendment by section 9(b) of Pub. L. 90-497 is effective Jan. 4, 1971.

§ 1421e. Duty on articles

All articles coming into the United States from Guam shall be subject to or exempt from duty as provided for in section 1301a of title 19.

(Aug. 1, 1950, ch. 512, § 27, 64 Stat. 392; Sept. 1, 1954, ch. 1213, title IV, § 402(b), 68 Stat. 1140.)

REFERENCES IN TEXT

Section 1301a of Title 19, referred to in text, was repealed by Pub. L. 87-456, title III, § 301(a), May 24, 1962, 76 Stat. 75. See General Headnote 3(a) under section 1202 of Title 19, Customs Duties.

AMENDMENTS

1954—Act Sept. 1, 1954, subjected Guam to the general provision for importations from insular possessions contained in section 1301a of Title 19 Customs Duties.

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Sept. 1, 1954, effective on and after the thirtieth day following Sept. 1, 1954, see section 601 of act Sept. 1, 1954, set out as an Effective Date of 1954 Amendment note under section 160 of Title 19, Customs Duties.

§ 1421f. Title to property transferred

(a) Property employed by naval government of Guam

The title to all property, real and personal, owned by the United States and employed by the naval government of Guam in the administration of the civil affairs of the inhabitants of Guam, including automotive and other equipment, tools and machinery, water and sewerage facilities, bus lines and other utilities, hospitals, schools, and other buildings, shall be transferred to the government of Guam within ninety days after August 1, 1950.

(b) Other property not reserved

All other property, real and personal, owned by the United States in Guam, not reserved by the President of the United States within ninety days after August 1, 1950, is placed under the control of the government of Guam, to be administered for the benefit of the people of Guam, and the legislature shall have authority, subject to such limitations as may be imposed upon its acts by this chapter or subsequent Act of the Congress, to legislate with respect to such property, real and personal, in such manner as it may deem desirable.

(c) Secretary of the Interior; sale or lease

All property owned by the United States in Guam, the title to which is not transferred to the government of Guam by subsection (a) of this section, or which is not placed under the control of the government of Guam by subsection (b) of this section, is transferred to the administrative supervision of the Secretary of the Interior, except as the President may from time to time otherwise prescribe: *Provided*, That the Secretary of the Interior shall be authorized to lease or to sell, on such terms as he may deem in the public interest, any property, real and personal, of the United States under his administrative supervision in Guam not needed for public purposes.

(Aug. 1, 1950, ch. 512, § 28, 64 Stat. 392; Sept. 11, 1968, Pub. L. 90-497, § 12(b), 82 Stat. 848.)

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-497 substituted "The Secretary of the Interior" for "the head of the department or agency designated by the President under section 1421a of this title" in the main body of subsec. (c) and "the Secretary of the Interior" for "the head of such department or agency" in the proviso.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90-497, set out as an Effective Date of 1968 Amendment note under section 1422 of this title.

EX. ORD. NO. 10178. RESERVATION OF PROPERTY IN GUAM FOR USE OF UNITED STATES

Ex. Ord. No. 10178, eff. Oct. 30, 1950, 15 F.R. 7313, provided:

Now, therefore, by virtue of the authority vested in me by the said section 28 of the Organic Act of Guam [this section] and as President of the United States, it is ordered as follows:

1. The following-described real and personal property of the United States in Guam is hereby reserved to the United States and placed under the control and jurisdiction of the Secretary of the Navy: *Provided*, That the Secretary of the Navy shall transfer such portions of such property to the Department of the Army, the Department of the Air Force, and the Coast Guard as may be required for their respective purposes:

(a) All of that real property in Guam situated within the perimeter areas defined in the following-designated condemnation proceedings in the Superior Court of Guam, being the same property quitclaimed by the Naval Government of Guam to the United States of America by deed dated July 31, 1950, and filed for record with the Land Registrar of Guam on August 4, 1950 (Presentation No. 22063):

Condemnation proceedings Civil No.	Perimeter area	Facility
	Acres	
2-48	4,566.757	North Field.
5-48	9.372	Mt. Santa Rosa Water Reservoir and Supply Lines.
6-48	5.990	Mt. Santa Rosa-Marbo Water Lines.
7-48	5.990	Tumon Maui Well Site.
2-49	4,803.000	Naval Ammunition Depot.
3-49	44.651	Primary Transmission Line.
4-49	12.169	Mt. Santa Rosa-Marbo Water Line Easement.
5-49	6,332.000	Apra Harbor Reservation.
2-50	6.450	Aceorp Tunnel.
3-50	35.391	Camp Dealy.
4-50	0.637	Tumon Bay Recreation Area Utility Lines.
5-50	24.914	Agana Springs.
6-50	41.360	Asan Point Tank Farm.
7-50	85.032	Asan Point Housing.
8-50	137.393	Medical Center.
9-50	45.630	Agafo Gumas.
10-50	4,798.682	Naval Communication Station.
11-50	11.726	Nimitz Beach.
12-50	800.443	Command Center.
13-50	4,901.100	Tarague Natural Wells.
14-50	5.945	Agana Diesel Electric Generating plant.
15-50	23.708	Mt. Santa Rosa Haul Road, Water Reservoir and Supply Lines, VHF Relay Station, Mt. Santa Rosa-Marbo Water Line.
16-50	4,562.107	Northwest Air Force Base.
18-50	60.480	Marbo Base Command Area—Sewage Disposal.
19-50	21.695	Loran Station, Cocos Island.
20-50	15.322	Av-Gas Tank Farm #12.
21-50	1,820.148	Proposed Boundary of NAS Agana, Housing Area #7.
22-50	37.519	C. A. A. Site (Area #90.)
23-50	3.575	Tumon Maui Well (Water Tunnel).
24-50	49.277	Tumon Bay Recreation Area (Road and AV-Gas Fuel Line Parcel #1.
25-50	0.208	Utility Easement from Rt. #1 to Rt. #6 Coontz Junction).

Condemnation proceedings Civil No.	Perimeter area	Facility
	Acres	
26-50	65.300	Tumon Bay Recreation Area (Area #78).
27-50	2,497.400	Marbo Base Command.
28-50	0.918	Mt. Tenjo VHF Station Site.
29-50	285.237	Sasa Valley Tank Farm (Area #26).
30-50	17.793	Sub Transmission System Piti Steam Plant to Command Center.
31-50	28.888	Route #1 (Marine Drive) (Portion).
32-50	94.000	Sub Transmission System (34 KV Line) Piti Steam Plant to Agana Diesel Plant and POL System Sasa Valley Tank Farm to NAS Agana.
33-50	953.000	Harmon Air Force Base.
34-50	2,922.000	Radio Barrigada.
35-50	25.000	AACS Radio Range (Area #30).
36-50	37.000	Water Line Apra Heights Reservoir to Fena Pump Station and Av-Gas Fuel System.
37-50	2,185.000	Fena River Reservoir.

(b) The road system and utilities systems described in the said deed between the Naval Government of Guam and the United States of America dated July 31, 1950.

(c) The following-described areas: Mount Lam Lam Light; Rear Range Light; Mount Aluton Light; Area Number 35 Culverts; Mount Santa Rosa Light; 36 acres of Camp Witek; Adelup Reservoir; Tripartite Seismograph Station Site, Land Unit M, Section 2, Land Square 20; the Power Sub-station located on Lot 266, Municipality of Agat adjacent to Erskine Drive, City of Agat.

(d) Lots 2285-5 and 2306-1 in Barrigada.

(e) All personal property relating to or used in connection with any of the above-described real property.

2. The following-described real property of the United States in Guam is hereby reserved to the United States and transferred to the administrative supervision of the Secretary of the Interior, and shall be available for disposition by the Secretary of the Interior in his discretion under section 28(c) of the said Organic Act of Guam [subsection (c) of this section]:

All of those lands which have been selected by the Secretary of the Navy for transfer or sale pursuant to the act of November 15, 1945, 59 Stat. 584, to persons in replacement of lands acquired for military or naval purposes in Guam, a list and description of such lands being on file in the Department of the Navy.

3. In addition to the personal property described in paragraph 1(e) hereof, there is hereby reserved to the United States all personal property of the United States in Guam, except that which is transferred to the government of Guam by or pursuant to section 28 (a) of the Organic Act of Guam, which on the date of this order is in the custody or control of the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, or any other department or agency of the United States; and all such personal property shall remain in the custody and control of the department or agency having custody and control thereof on the date of this order.

§ 1421f-1. Acknowledgment of deeds

Deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the island of Guam before any notary public or judge appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary in Guam shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the 1st day of January 1905 and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

(June 28, 1906, ch. 3585, 34 Stat. 552.)

Codification

Section was not enacted as a part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

Cross References

Similar provisions relating to Samoa, see section 1663 of this title.

§ 1421g. Establishment and maintenance of public health services; public school system

(a) Subject to the laws of Guam, the Governor shall establish, maintain, and operate public-health services in Guam, including hospitals, dispensaries, and quarantine stations, at such places in Guam as may be necessary, and he shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease.

(b) The Governor shall provide an adequate public educational system of Guam, and to that end shall establish, maintain, and operate public schools at such places in Guam as may be necessary.

(Aug. 1, 1950, ch. 512, § 29, 64 Stat. 392.)

§ 1421h. Duties and taxes to constitute fund for benefit of Guam

All customs duties and Federal income taxes derived from Guam, the proceeds of all taxes collected under the internal-revenue laws of the United States on articles produced in Guam and transported to the United States, its Territories, or possessions, or consumed in Guam, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of Guam, and all quarantine, passport, immigration, and naturalization fees collected in Guam shall be covered into the treasury of Guam and held in account for the government of Guam, and shall be expended for the benefit and government of Guam in accordance with the annual budgets; except that nothing in this chapter shall be construed to apply to any tax imposed by chapter 2 or 21 of the Internal Revenue Code of 1954 [26 U.S.C. 1401 et seq. and 3101 et seq.].

(Aug. 1, 1950, ch. 512, § 30, 64 Stat. 392; Sept. 13, 1960, Pub. L. 86-778, title I, § 103(u), 74 Stat. 941.)

References in Text

The internal-revenue laws of the United States, referred to in text, are classified generally to Title 26, Internal Revenue Code.

Amendments

1960—Pub. L. 86-778 inserted clause providing that nothing in this chapter shall be construed to apply to any tax imposed by chapter 2 or 21 of title 26.

CROSS REFERENCES

Payment to Guam of proceeds of tax collected on coconut and palm oil, see section 7653 of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1422d, 1423a of this title; title 26 sections 932, 7651.

§ 1421i. Income tax

(a) Applicability of Federal laws

The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in Guam.

(b) Guam Territorial income tax

The income-tax laws in force in Guam pursuant to subsection (a) of this section shall be deemed to impose a separate Territorial income tax, payable to the government of Guam, which tax is designated the "Guam Territorial income tax".

(c) Enforcement of tax

The administration and enforcement of the Guam Territorial income tax shall be performed by or under the supervision of the Governor. Any function needful to the administration and enforcement of the income-tax laws in force in Guam pursuant to subsection (a) of this section shall be performed by any officer or employee of the government of Guam duly authorized by the Governor (either directly, or indirectly by one or more redelegations of authority) to perform such function.

(d) Definition of "income-tax laws"; administration and enforcement; rules and regulations

(1) The income-tax laws in force in Guam pursuant to subsection (a) of this section include but are not limited to the following provisions of the Internal Revenue Code of 1954, where not manifestly inapplicable or incompatible with the intent of this section: Subtitle A [26 U.S.C. 1 et seq.] (not including chapter 2 [26 U.S.C. 1401 et seq.] and section 931 [26 U.S.C. 931]); chapters 24 and 25 of subtitle C [26 U.S.C. 3401 et seq. and 3501 et seq.], with reference to the collection of income tax at source on wages; and all provisions of subtitle F [26 U.S.C. 6001 et seq.] which apply to the income tax, including provisions as to crimes, other offenses, and forfeitures contained in chapter 75 [26 U.S.C. 7201 et seq.]. For the period after 1950 and prior to the effective date of the repeal of any provision of the Internal Revenue Code of 1939 which corresponds to one or more of those provisions of the Internal Revenue Code of 1954 which are included in the income-tax laws in force in Guam pursuant to subsection (a) of this section, such income-tax laws include but are not limited to such provisions of the Internal Revenue Code of 1939.

(2) The Governor or his delegate shall have the same administrative and enforcement powers and remedies with regard to the Guam Territorial income tax as the Secretary of the Treasury, and other United States officials of the executive branch, have with respect to the United States income tax. Needful rules and regulations not inconsistent with the regulations prescribed under section 7654(e) of the Internal Revenue Code of 1954 [26 U.S.C. 7654(e)] for enforcement of the Guam Territorial income tax shall be prescribed by the Governor. The Governor or his delegate shall have authority to issue, from time to time, in whole or in part, the text of the income-tax laws in force in Guam pursuant to subsection (a) of this section.

(e) Substitution of terms

In applying as the Guam Territorial income tax the income-tax laws in force in Guam pursuant to subsection (a) of this section, except where it is manifestly otherwise required, the applicable provisions of the Internal Revenue Codes of 1954 and 1939, shall be read so as to substitute "Guam" for "United States", "Governor or his delegate" for "Secretary or his delegate", "Governor or his delegate" for "Commissioner of Internal Revenue" and "Collector of Internal Revenue", "District Court of Guam" for "district court" and with other changes in nomenclature and other language, including the omission of inapplicable language, where necessary to effect the intent of this section.

(f) Criminal offenses; prosecution

Any act or failure to act with respect to the Guam Territorial income tax which constitutes a criminal offense under chapter 75 of subtitle F of the Internal Revenue Code of 1954 [26 U.S.C. 7201 et seq.], or the corresponding provisions of the Internal Revenue Code of 1939, as included in the income-tax laws in force in Guam pursuant to subsection (a) of this section, shall be an offense against the government of Guam and may be prosecuted in the name of the government of Guam by the appropriate officers thereof.

(g) Liens

The government of Guam shall have a lien with respect to the Guam Territorial income tax in the same manner and with the same effect, and subject to the same conditions, as the United States has a lien with respect to the United States income tax. Such lien in respect of the Guam Territorial income tax shall be enforceable in the name of and by the government of Guam. Where filing of a notice of lien is prescribed by the income-tax laws in force in Guam pursuant to subsection (a) of this section, such notice shall be filed in the Office of the Clerk of the District Court of Guam.

(h) Jurisdiction of District Court; suits for recovery or collection of taxes; payment of judgment

(1) Notwithstanding any provision of section 1424 of this title or any other provision of law to the contrary, the District Court of Guam shall have exclusive original jurisdiction over all judicial proceedings in Guam, both criminal and civil, regardless of the degree of the offense or of the amount involved, with respect to the Guam Territorial income tax.

(2) Suits for the recovery of any Guam Territorial income tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, under the income-tax laws in force in Guam, pursuant to subsection (a) of this sec-

tion, may, regardless of the amount of claim, be maintained against the government of Guam subject to the same statutory requirements as are applicable to suits for the recovery of such amounts maintained against the United States in the United States district courts with respect to the United States income tax. When any judgment against the government of Guam under this paragraph has become final, the Governor shall order the payment of such judgments out of any unencumbered funds in the treasury of Guam.

(3) Execution shall not issue against the Governor or any officer or employee of the government of Guam on a final judgment in any proceeding against him for any acts or for the recovery of money exacted by or paid to him and subsequently paid into the treasury of Guam, in performing his official duties under the income-tax laws in force in Guam pursuant to subsection (a) of this section, if the court certifies that—

(A) probable cause existed; or

(B) such officer or employee acted under the directions of the Governor or his delegate.

When such certificate has been issued, the Governor shall order the payment of such judgment out of any unencumbered funds in the treasury of Guam.

(4) A civil action for the collection of the Guam Territorial income tax, together with fines, penalties, and forfeitures, or for the recovery of any erroneous refund of such tax, may be brought in the name of and by the government of Guam in the District Court of Guam or in any district court of the United States or in any court having the jurisdiction of a district court of the United States.

(5) The jurisdiction conferred upon the District Court of Guam by this subsection shall not be subject to transfer to any other court by the legislature, notwithstanding section 1424(a) of this title.

(Aug. 1, 1950, ch. 512, § 31, 64 Stat. 392; Aug. 20, 1958, Pub. L. 85-688, § 1, 72 Stat. 681; Oct. 31, 1972, Pub. L. 92-606, § 1(d), 86 Stat. 1497.)

REFERENCES IN TEXT

The income tax laws, referred to in text, are classified generally to Title 26, Internal Revenue Code.

The Internal Revenue Code of 1954, referred to in subsecs. (d) to (f), is classified generally to Title 26, Internal Revenue Code.

The Internal Revenue Code of 1939, referred to in subsecs. (d)(1), (e), and (f), is act Feb. 10, 1939, ch. 2, 53 Stat. 1. Prior to the enactment of the Internal Revenue Code of 1954, the 1939 Code was classified to former Title 26, Internal Revenue Code. For table of comparisons of the 1939 Code to the 1954 Code, see Table I preceding section 1 of Title 26, Internal Revenue Code.

Subtitle A (not including chapter 2 and section 931) and chapters 24 and 25 of subtitle C, referred to in subsec. (d)(1), and subtitle F and chapter 75, referred to in subsecs. (d)(1) and (f), mean subtitle A (§ 1 et seq.), chapter 2 (§ 1401 et seq.) of subtitle A, chapters 24 (§ 3401 et seq.) and 25 (§ 3501 et seq.) of subtitle C, subtitle F (§ 6001 et seq.) and chapter 75 (§ 7201 et seq.) of subtitle F, respectively, of Title 26, Internal Revenue Code.

AMENDMENTS

1972—Subsec. (d)(2). Pub. L. 92-606 substituted "Needful rules and regulations not inconsistent with the regulations prescribed under section 7654(e) of the Internal Revenue Code of 1954" for "Needful rules and regulations".

1958—Subsec. (a). Pub. L. 85-688 designated existing provisions as subsec. (a).

Subsecs. (b) to (h). Pub. L. 85-688 added subsecs. (b) to (h).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-606 applicable with respect to taxable years beginning after Dec. 31, 1972, see section 2 of Pub. L. 92-606, set out in part as an Effective Date of 1972 Amendment note under section 935 of Title 26, Internal Revenue Code.

EFFECTIVE DATE

Section became effective Jan. 1, 1951, by provision of Ex. Ord. No. 10211 eff. Feb. 6, 1951, 16 F.R. 1167.

RATIFICATION OF ASSESSMENTS AND COLLECTIONS MADE BEFORE AUGUST 20, 1958

Section 2 of Pub. L. 85-688 provided that income taxes assessed prior to Aug. 20, 1958, by the authorities of the government of Guam pursuant to, or under color of, this section, the collection of such taxes, and all acts done to effectuate such assessment and collection were legalized, ratified and confirmed as fully, to all intents and purposes, as if subsecs. (b) to (h) of this section, had then been in full force and effect.

CROSS REFERENCES

All provisions of laws of the United States applicable to assessment and collection of taxes imposed by Internal Revenue Code is applicable to possessions, see section 7651 of Title 26, Internal Revenue Code.

Articles, goods, wares, or merchandise going into Guam as exempt from payment of any tax imposed by the internal revenue laws of the United States, see section 7653 of Title 26.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 sections 932, 7654.

§ 1421j. Authorization of appropriations

There are authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this chapter.

(Aug. 1, 1950, ch. 512, § 32, 64 Stat. 392.)

§ 1421k. Designation of naval or military reservations; closed port

Nothing contained in this chapter shall be construed as limiting the authority of the President to designate parts of Guam as naval or military reservations, nor to restrict his authority to treat Guam as a closed port with respect to the vessels and aircraft of foreign nations.

(Aug. 1, 1950, ch. 512, § 33, 64 Stat. 393.)

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of Guam, see section 1701 et seq. of this title.

§ 1421k-1. Delegate from Guam to United States House of Representatives; clerk hire allowance and transportation expenses

Notwithstanding any other provision of law, the clerk hire allowance and the transportation

expenses subject to reimbursement under Federal law of the Delegate from Guam to the United States House of Representatives shall each be the same as allowed for Members of the United States House of Representatives.

(Aug. 1, 1950, ch. 512, § 35, as added May 27, 1975, Pub. L. 94-26, § 1, 89 Stat. 94.)

§ 1421*l*. Repealed. June 27, 1952, ch. 477, § 403(a)(42), 66 Stat. 280

Section, act Oct. 14, 1940, ch. 876, § 206, as added Aug. 1, 1950, ch. 512, § 4(a), 64 Stat. 384, granted United States citizenship to persons born or living on Guam on or after Apr. 11, 1899.

§ 1421m. Repealed. Pub. L. 91-513, title III, § 1101(a)(8), Oct. 27, 1970, 84 Stat. 1292

Section, act Aug. 1, 1956, ch. 852, § 15, 70 Stat. 910, prohibited the production, manufacture, compounding, possession, sale, dispensation, administration, or transportation of marihuana in Guam. See section 801 et seq. of Title 21, Food and Drugs.

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective on the first day of the seventh calendar month that begins after Oct. 26, 1970, see section 1105(a) of Pub. L. 91-513, set out as an Effective Date note under section 951 of Title 21, Food and Drugs.

SAVINGS PROVISIONS

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunction proceedings commenced, prior to the effective date of repeal of this section by section 1101 of Pub. L. 91-513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91-513, set out as a Savings Provisions note under section 171 of Title 21, Food and Drugs.

§ 1421n. Applicability of Federal copyright laws

The laws of the United States relating to copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in Guam as in the continental United States.

(Aug. 1, 1956, ch. 852, § 24, 70 Stat. 911.)

REFERENCES IN TEXT

The laws of the United States relating to copyrights, referred to in text, are classified generally to Title 17, Copyrights.

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

§ 1421o. Federal assistance for fire control, watershed protection, and reforestation

The Secretary of Agriculture is authorized to provide financial and technical assistance to Guam for improving fire control, watershed protection and reforestation, consistent with existing laws, administered by the Secretary of Agriculture, which are applicable to the continental United States. The program authorized by this section shall be developed in cooperation with the territorial government of Guam and shall be covered by a memorandum of understanding agreed to by the territorial government and the Department. The Secretary may also utilize the agencies, facilities, and employees of the Department, and may cooperate with other public agencies and with private organizations and individuals in Guam and elsewhere.

(Pub. L. 93-421, § 1, Sept. 19, 1974, 88 Stat. 1154.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1421p of this title.

§ 1421p. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of section 1421o of this title. Sums appropriated in pursuance of sections 1421o and 1421p of this title may be allocated to such agencies of the Department as are concerned with the administration of the program in Guam.

(Pub. L. 93-421, § 2, Sept. 19, 1974, 88 Stat. 1154.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

§ 1421q. Applicability of Federal laws

The laws of the United States which are made applicable to the Northern Mariana Islands by the provisions of section 502(a)(1) of H.J. Res. 549, as approved by the House of Representatives and the Senate, except for section 228 of title II [42 U.S.C. 428] and title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] as it applies to the several States and the Micronesia Claims Act [50 App. U.S.C. 2018 et seq.] as it applies to the Trust Territory of the Pacific Islands, shall be made applicable to Guam on the same terms and conditions as such laws are applied to the Northern Mariana Islands.

(Pub. L. 94-255, § 2, Apr. 1, 1976, 90 Stat. 300.)

REFERENCES IN TEXT

Section 502(a)(1) of H.J. Res. 549, referred to in text, is section 502(a)(1) of Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 268, which is set out as a note under section 1681 of this title.

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XVI of the Social Security Act is classified generally to subchapter XVI (§ 1381 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables volume.

The Micronesia Claims Act, referred to in text, probably means the Micronesian Claims Act of 1971, Pub. L. 92-39, July 1, 1971, 85 Stat. 92, as amended, which was classified generally to section 2018 et seq. of Title 50, App., War and National Defense, and which was omitted from the Code as terminated Aug. 3, 1976.

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

SUBCHAPTER II—THE EXECUTIVE BRANCH

§ 1422. Governor and Lieutenant Governor; term of office; qualifications; powers and duties; annual report to Congress

The executive power of Guam shall be vested in an executive officer whose official title shall be the "Governor of Guam". The Governor of Guam, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the Legislature of Guam. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a runoff election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elcted every four years at the general election. The Governor and Lieutenant Governor shall hold office for a term of four years and until their successors are elected and qualified.

No person who has been elected Governor for two full successive terms shall again be eligible to hold that office until one full term has intervened.

The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of Guam and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in Guam during his incumbency.

The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of Guam. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this chapter. He shall appoint, and may remove, all officers and employees of the executive branch of the government of Guam, except as otherwise provided in this or any other Act of Congress, or under the laws of Guam, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Guam and the laws of the United States applicable in Guam. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion, or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in Guam, which may be given at the discretion of such commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, proclaim the island, insofar as it is under the jurisdiction of the government of Guam, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

The Governor shall make to the Secretary of the Interior an annual report of the transactions of the government of Guam for transmission to the Congress and such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

There is hereby established the office of Lieutenant Governor of Guam. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this chapter or under the laws of Guam.

(Aug. 1, 1950, ch. 512, § 6, 64 Stat. 386; Sept. 11, 1968, Pub. L. 90-497, § 1, 82 Stat. 842.)

AMENDMENTS

1968—Pub. L. 90-497 established the office of Lieutenant Governor of Guam, provided for the popular election of the Governor and Lieutenant Governor, declared persons elected for two full successive terms as Governor ineligible to serve again until the lapse of a full intervening term, set out the qualifications of eligibility for Governor and Lieutenant Governor, and restated the powers and duties of the office of Governor.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 13 of Pub. L. 90-497 provided that: "Those provisions necessary to authorize the holding of an election for Governor and Lieutenant Governor on November 3, 1970, shall be effective on January 1, 1970. All other provisions of this Act [see Short Title of 1968 Amendment note set out under section 1421 of this title], unless otherwise expressly provided herein, shall be effective January 4, 1971."

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of Guam, see section 1701 et seq. of this title.

§ 1422a. Removal of Governor; referendum election

Any Governor of Guam may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for Governor in the last preceding general election at which a Governor was elected, vote in favor of recall and in which those so voting constitute a majority of all those participating in the referendum election. The referendum election shall be initiated by the legislature of Guam following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) a petition for such a referendum to the legislature by registered voters equal the number to at least 50 per centum of the whole number of votes cast for Governor at the last general election at which a Governor was elected preceding the filing of the petition.

(Aug. 1, 1950, ch. 512, § 7, 64 Stat. 387; Sept. 11, 1968, Pub. L. 90-497, § 2, 82 Stat. 844.)

AMENDMENTS

1968—Pub. L. 90-497 substituted provisions for the removal of the Governor of Guam through a referendum election for provisions for the appointment, tenure, powers, and duties of the Secretary of Guam.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90-497, set out as an Effective Date of 1968 Amendment note under section 1422 of this title.

§ 1422b. Vacancy in office of Governor or Lieutenant Governor

(a) Temporary disability or temporary absence of Governor

In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

(b) Permanent vacancy in office of Governor

In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall, or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

(c) Temporary disability or temporary absence of Lieutenant Governor

In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the speaker of the Guam Legislature shall act as Lieutenant Governor.

(d) Permanent vacancy in office of Lieutenant Governor

In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

(e) Temporary disability or temporary absence of both Governor and Lieutenant Governor

In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of Guam may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of Guam.

(f) Additional compensation

No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this chapter.

(Aug. 1, 1950, ch. 512, § 8, 64 Stat. 387; Mar. 16, 1962, Pub. L. 87-419, § 1, 76 Stat. 34; Sept. 11, 1968, Pub. L. 90-497, § 3, 82 Stat. 844.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-497 designated existing provisions as subsec. (a) and in subsec. (a) as so designated, substituted provisions that the Lieutenant Governor have the powers of the Governor in the event of the temporary disability or temporary absence of the Governor for provisions authorizing the appointed department head to designate an acting Governor in the case of a vacancy or temporary absence of both the Governor and the Secretary of Guam.

Subsecs. (b) to (f). Pub. L. 90-497 added subsecs. (b) to (f).

1962—Pub. L. 87-419 provided for appointment of an acting secretary under certain conditions, prescribed the powers of such secretary and proscribed additional compensation for an acting Governor or acting secretary.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90-497, set out as an Effective Date of 1968 Amendment note under section 1422 of this title.

§ 1422c. Executive agencies and instrumentalities

(a) Appointment of heads; establishment of merit system

The Governor shall, except as otherwise provided in this chapter or the laws of Guam, appoint, by and with the advice and consent of the legislature, all heads of executive agencies and instrumentalities. The legislature shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such merit system.

(b) Powers and duties of officer

All officers shall have such powers and duties as may be conferred or imposed on them by law or by executive regulation of the Governor not inconsistent with any law.

(c) Reorganization

The Governor shall, from time to time, examine the organization of the executive branch of the government of Guam, and shall determine and carry out such changes therein as are necessary to promote effective management and to execute faithfully the purposes of this chapter and the laws of Guam.

(d) Continuation in office of incumbents

All persons holding office in Guam on August 1, 1950 may, except as otherwise provided in this chapter, continue to hold their respective offices until their successors are appointed and qualified.

(Aug. 1, 1950, ch. 512, § 9, 64 Stat. 387; Sept. 11, 1968, Pub. L. 90-497, § 4, 82 Stat. 845.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-497, § 4(a), struck out requirement that, in making appointments, preference

be given persons of Guamanian ancestry and that opportunities for higher education and use of service training facilities be provided to qualified persons of Guamanian ancestry.

Subsec. (b). Pub. L. 90-497, § 4(b), struck out provision authorizing the Governor to appoint or remove any officer whose appointment or removal is not otherwise provided for.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 4(a) of Pub. L. 90-497 provided in part that the amendment of subsec. (a) by section 4(a) of Pub. L. 90-497 was effective on the date of enactment of Pub. L. 90-497, which was approved on Sept. 11, 1968.

Amendment by Pub. L. 90-497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90-497, set out as an Effective Date of 1968 Amendment note under section 1422 of this title.

§ 1422d. Government comptroller

(a) Creation of office; appointment, transfer, and removal

The Secretary of the Interior shall appoint in the Department of the Interior a government comptroller for Guam who shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of Guam, and whose salary and expenses of office shall be paid by the United States from funds otherwise to be covered into the treasury of Guam pursuant to section 1421h of this title. Sixty days prior to the effective date of transfer or removal of the government comptroller, the Secretary shall communicate to the President of the Senate and the Speaker of the House of Representatives his intention to so transfer or remove the government comptroller and his reasons therefor.

(b) Auditing function

The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of Guam and of funds derived from bond issues; and he shall audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of Guam including those pertaining to trust funds held by the government of Guam.

(c) Reporting function

It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the Governor of Guam all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of Guam, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of the government of Guam are properly accounted for and audited.

(d) Administrative review of decisions of government comptroller

The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the Governor, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

(e) Judicial review

If the Governor does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of Guam if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the Governor, on behalf of the head of the department concerned, may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction.

(f) Official communications; witnesses and oaths

The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(g) Annual report to Congress

As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of Guam and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

(h) Miscellaneous reports

The government comptroller shall make such other reports as may be required by the Governor of Guam, the Comptroller General of the United States, or the Secretary of the Interior.

(i) Office and activities subject to review by Comptroller General of the United States

The office and activities of the government comptroller of Guam shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the Governor, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives.

(j) Collection of data; access to government records

All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees; when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment.

(Aug. 1, 1950, ch. 512, § 9-A, as added Sept. 11, 1968, Pub. L. 90-497, § 5, 82 Stat. 845.)

EFFECTIVE DATE

Section 5 of Pub. L. 90-497 provided in part that this section is effective on the date of enactment of Pub. L. 90-497, which was approved on Sept. 11, 1968.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1681b of this title.

SUBCHAPTER III—THE LEGISLATURE

§ 1423. Legislature of Guam

(a) Unicameral nature; power

The legislative power and authority of Guam shall be vested in a legislature, consisting of a single house, to be designated the "Legislature of Guam", herein referred to as the legislature.

(b) Size of legislature; prohibition against denial of equal protection; at large and district representation

The legislature shall be composed of not to exceed twenty-one members, to be known as senators, elected at large, or elected from legislative districts or elected in part at large and in part from legislative districts, as the laws of Guam may direct: *Provided,* That any districting and any apportionment pursuant to this authorization and provided for by the laws of Guam shall not deny to any person in Guam the equal protection of the laws: *And provided further,* That in any elections to the legislature, every elector shall be permitted to vote for the whole number of at-large candidates to be elected, and every elector residing in a legislative district shall be permitted to vote for the whole number of candidates to be elected within that district.

(c) Reapportionment; Federal census base

The laws of Guam shall not alter the manner in which members of the legislature are to be elected as provided in subsection (b) of this section more often than at ten-year intervals: *Provided,* That any districting and related apportionment pursuant to this section shall be based upon the then most recent Federal population census of Guam, and any such districting and apportionment shall be reexamined following each successive Federal population census of Guam and shall be modified, if necessary, to be consistent with that census.

(d) Timing of biennial elections

General elections to the legislature shall be held on the Tuesday next after the first Monday in November, biennially in even-numbered years. The legislature in all respects shall be organized and shall sit according to the laws of Guam.

(Aug. 1, 1950, ch. 512, § 10, 64 Stat. 387; Sept. 2, 1966, Pub. L. 89-552, § 1, 80 Stat. 375.)

AMENDMENTS

1966—Pub. L. 89-552 authorized the election of senators in whole or in part from legislative districts if the laws of Guam so directed, provided that the legislators be called senators, prohibited any districting or apportionment which denied equal protection of the laws to any person in Guam, required that electors be permitted to vote for the whole number of candidates to be elected both within his district and at large, prohibited reapportionment oftener than at 10-year intervals, and required that any redistricting be based upon the latest federal census.

AMENDMENT OF LAWS OF GUAM TO CONFORM TO CHANGES MADE BY PUB. L. 89-552

Section 2 of Pub. L. 89-552 provided that: "As soon as practicable after enactment of this Act [Sept. 2, 1966], and subject to the conditions and requirements of section 10 of the Organic Act of Guam, as amended by section 1 hereof [this section], the laws of Guam shall be amended to make provision for the manner of the election of members of the legislature. Until the laws of Guam shall make such provision the method of electing the legislature shall remain as it is upon the date of enactment of this Act [Sept. 2, 1966]."

§ 1423a. Power of Legislature; limitation on indebtedness of Guam; bond issues; guarantees for purchase by Federal Financing Bank of Guam Power Authority bonds or other obligations; interest rates; default

The legislative power of Guam shall extend to all subjects of legislation of local application not inconsistent with the provisions of this chapter and the laws of the United States applicable to Guam. Taxes and assessments on property, internal revenues, sales, license fees, and royalties for franchises, privileges, and concessions may be imposed for purposes of the government of Guam as may be uniformly provided by the Legislature of Guam, and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the government of Guam: *Provided, however,* That no public indebtedness of Guam shall be authorized or allowed in excess of 10 per centum of the aggregate tax valuation of the property in Guam. Bonds or other obligations of the government of Guam payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of Guam within the meaning of this section. All bonds issued by the government of Guam or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of Guam, or by any State or Territory or any political subdivision thereof, or by the District of Columbia. The Secretary of the Interior (hereafter in this section referred to as "Secretary") is authorized to guarantee for purchase by the Federal Financing Bank bonds or other obligations of the Guam Power Authority maturing on or before December 31, 1978, which shall be issued in order to refinance short-term notes due or existing on June 1, 1976 and other indebtedness not evidenced by bonds or notes in an aggregate amount of not more than $36 million, and such bank, in addition to its other powers, is authorized to purchase, receive or otherwise acquire these same. The interest rate on obligations purchased by the Federal Financing Bank shall be not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities, adjusted to the nearest one-eighth of 1 per centum, plus 1 per centum per annum. The Secretary, with the concurrence of the Secretary of the Treasury, may extend the guarantee provision of the previous sentence until December 31, 1980. Such

guaranteed bonds or other obligations shall, while outstanding, include a provision for semiannual payments of interest only. If the Secretary determines that the Guam Power Authority will not meet its obligation to pay interest, the Secretary shall request the Secretary of the Treasury to deduct such payments from sums collected and paid pursuant to section 1421h of this title. Should there be default at maturity on the bonds or other obligations so guaranteed, (1) the Secretary may withhold such sums as he determines may be necessary from sums collected by the Secretary of the Treasury pursuant to section 1421h of this title until losses incurred by the Secretary under the guarantee plus interest at the rate specified in this section have been reimbursed to the Secretary and (2) notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the Government of Guam which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the United States may have against the Government of Guam or the Guam Power Authority pursuant to this guarantee. For the purposes of this chapter, under section 191 of title 31 the term "person" includes the Government of Guam and Guam Power Authority. The Secretary may place such stipulations as he deems appropriate on the bonds or other obligations he guarantees.

(Aug. 1, 1950, ch. 512, § 11, 64 Stat. 387; Sept. 3, 1976, Pub. L. 94-395, 90 Stat. 1199.)

AMENDMENTS

1976—Pub. L. 94-395 added provisions relating to authority of Secretary of the Interior to guarantee for purchase by the Federal Financing Bank bonds or other obligations of the Guam Power Authority maturing on or before Dec. 31, 1978.

§ 1423b. Selection and qualification of members; officers; rules and regulations; quorum

The legislature shall be the judge of the selection and qualification of its own members. It shall choose from its members its own officers, determine its rules and procedure, not inconsistent with this chapter, and keep a journal. The quorum of the legislature shall consist of eleven of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(Aug. 1, 1950, ch. 512, § 12, 64 Stat. 388; Sept. 11, 1968, Pub. L. 90-497, § 6(b), 82 Stat. 846.)

AMENDMENTS

1968—Pub. L. 90-497 added a quorum requirement, provided that a quorum of the legislature consist of eleven of its members, and made the presence of a quorum requisite to the passage of a law.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 6(b) of Pub. L. 90-497 provided in part that the amendment by section 6(b) of Pub. L. 90-497 is effective on the date of enactment of Pub. L. 90-497, which was approved on Sept. 11, 1968.

§ 1423c. Privileges of members

(a) The members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the legislature and in going to and returning from the same.

(b) No member of the legislature shall be held to answer before any tribunal other than the legislature itself for any speech or debate in the legislature.

(Aug. 1, 1950, ch. 512, § 13, 64 Stat. 388.)

§ 1423d. Oath of office

Every member of the legislature and all officers of the government of Guam shall take the following oath or affirmation:

"I solemnly swear (or affirm) in the presence of Almighty God that I will well and faithfully support the Constitution of the United States, the laws of the United States applicable to Guam and the laws of Guam, and that I will conscientiously and impartially discharge my duties as a member of the Guam Legislature (or as an officer of the government of Guam)."

(Aug. 1, 1950, ch. 512, § 14, 64 Stat. 388.)

§ 1423e. Prohibition against acceptance of salary increases or newly created offices

No member of the legislature shall, during the term for which he was elected or during the year following the expiration of such term, be appointed to any office which has been created, or the salary or emoluments of which have been increased during such term.

(Aug. 1, 1950, ch. 512, § 15, 64 Stat. 388.)

§ 1423f. Qualifications of members

No person shall sit in the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years and who has not been domiciled in Guam for at least five years immediately preceding the sitting of the legislature in which he seeks to qualify as a member, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights.

(Aug. 1, 1950, ch. 512, § 16, 64 Stat. 388.)

§ 1423g. Vacancies

Vacancies occurring in the legislature shall be filled as the legislature shall provide, except that no person filling a vacancy shall hold office longer than for the remainder of the term for which his predecessor was elected.

(Aug. 1, 1950, ch. 512, § 17, 64 Stat. 388.)

§ 1423h. Regular and special sessions

Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when, in his opinion, the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the leg-

islature while in such session. All sessions of the legislature shall be open to the public.

(Aug. 1, 1950, ch. 512, § 18, 64 Stat. 388; Sept. 11, 1968, Pub. L. 90-497, § 6(a), 82 Stat. 846.)

AMENDMENTS

1968—Pub. L. 90-497 removed 60-day limitation on the length of regular sessions and 14-day limitation on the length of special sessions of the legislature.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 6(a) of Pub. L. 90-497 provided in part that the amendment by section 6(a) of Pub. L. 90-497 is effective on the date of enactment of Pub. L. 90-497, which was approved on Sept. 11, 1968.

§ 1423i. Approval of bills

Every bill passed by the legislature shall, before it becomes a law, be entered upon the journal and presented to the Governor. If he approves it, he shall sign it, but if not he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If he does not return it within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect. All laws enacted by the legislature shall be reported by the Governor to the head of the department or agency designated by the President under section 1421a of this title. The Congress of the United States reserves the power and authority to annul the same.

(Aug. 1, 1950, ch. 512, § 19, 64 Stat. 389; Sept. 11, 1968, Pub. L. 90-497, § 8, 82 Stat. 847; Jan. 2, 1975, Pub. L. 93-608, § 1(14), 88 Stat. 1969.)

AMENDMENTS

1975—Pub. L. 93-608 struck out requirement that reports be transmitted to Congress by the Secretary concerned.

1968—Pub. L. 90-497, § 8(a), eliminated the President's authority to veto territorial legislation referred by the Governor after such legislation had been passed by the legislature over the Governor's veto.

Pub. L. 90-497, § 8(b), eliminated the provision that, if Congress did not annul laws passed by the legislature and reported to Congress within one year of the date of its receipt by Congress, such laws were deemed to have been approved by Congress.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 8(b) of Pub. L. 90-497 provided in part that the amendment by section 8(b) of Pub. L. 90-497 is effective on the date of enactment of Pub. L. 90-497, which was approved on Sept. 11, 1968.

Amendment by Pub. L. 90-497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90-497, set out as an Effective Date of 1968 Amendment note under section 1422 of this title.

§ 1423j. Authorization of appropriations

(a) Appropriations, except as otherwise provided in this chapter, and except such appropriations as shall be made from time to time by the Congress of the United States, shall be made by the legislature.

(b) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payments of the necessary current expenses of the government and meeting its legal obligations for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated, item by item.

(c) All appropriations made prior to August 1, 1950 shall be available to the government of Guam.

(Aug. 1, 1950, ch. 512, § 20, 64 Stat. 389.)

§ 1423k. Right of petition

The legislature or any person or group of persons in Guam shall have the unrestricted right of petition. It shall be the duty of all officers of the government to receive and without delay to act upon or forward, as the case may require, any such petition.

(Aug. 1, 1950, ch. 512, § 21, 64 Stat. 389.)

CROSS REFERENCES

Petition for redress of grievances, see Const. Amend. 1.

§ 1423l. Purchases

The Territorial and local governments of Guam are authorized to make purchases through the General Services Administration.

(Pub. L. 94-373, title I, § 100, July 31, 1976, 90 Stat. 1052.)

CODIFICATION

Section was enacted as part of Department of the Interior and Related Agencies Appropriation Act, 1977, and not as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

Section, as it relates to the Virgin Islands and American Samoa, is set out as sections 1401f and 1665, respectively, of this title.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Dec. 23, 1975, Pub. L. 94-165, title I, § 100, 89 Stat. 987.

Aug. 31, 1974, Pub. L. 93-404, title I, § 100, 88 Stat. 812.

Oct. 4, 1973, Pub. L. 93-120, title I, § 100, 87 Stat. 433.

Aug. 10, 1972, Pub. L. 92-369, title I, § 100, 86 Stat. 512.
Aug. 10, 1971, Pub. L. 92-76, title I, § 100, 85 Stat. 233.
July 31, 1970, Pub. L. 91-361, title I, § 100, 84 Stat. 673.
Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 151.
July 26, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 430.
June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 63.
May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 174.
June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 179.
July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 278.
July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 102.
Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 339.
Aug. 3, 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 250.
May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 112.
June 23, 1959, Pub. L. 86-60, title I, § 100, 73 Stat. 101.
June 4, 1958, Pub. L. 85-439, title I, § 100, 72 Stat. 163.
July 1, 1957, Pub. L. 85-77, title I, § 1, 71 Stat. 265.
June 13, 1956, ch. 380, title I, § 101, 70 Stat. 264.
June 16, 1955, ch. 147, title I, § 1, 69 Stat. 149.
July 1, 1954, ch. 446, title I, § 101, 68 Stat. 372.
July 31, 1953, ch. 298, title I, § 1, 67 Stat. 273.
July 9, 1952, ch. 597, title I, § 101, 66 Stat. 457.
Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 263.
Sept. 6, 1950, ch. 896, ch. VII, title I, § 101, 64 Stat. 694.

SUBCHAPTER IV—THE JUDICIARY

§ 1424. District Court of Guam; jurisdiction; appellate division; rules of procedure

(a) There is created a court of record to be designated the "District Court of Guam", and the judicial authority of Guam shall be vested in the District Court of Guam and in such court or courts as may have been or may hereafter be established by the laws of Guam. The District Court of Guam shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy, shall have original jurisdiction in all other causes in Guam, jurisdiction over which has not been transferred by the legislature to other court or courts established by it, and shall have such appellate jurisdiction as the legislature may determine. The jurisdiction of and the procedure in the courts of Guam other than the District Court of Guam shall be prescribed by the laws of Guam.

Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 1424b(a) of this title. The concurrence of two judges shall be necessary to any decision by the District Court of Guam on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

(b) The rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, in civil cases; section 2073 of title 28, in admiralty cases; sections 3771 and 3772 of title 18, in criminal cases; and section 53 of title 11, in bankruptcy cases; shall apply to the District Court of Guam and to appeals therefrom; except that no provisions of any such rules which authorize or require trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam, and except further that the terms "attorney for the government" and "United States attorney", as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of Guam, mean the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein.

(Aug. 1, 1950, ch. 512, § 22, 64 Stat. 389; Aug. 27, 1954, ch. 1017, § 1, 68 Stat. 882; June 4, 1958, Pub. L. 85-444, §§ 1, 2, 72 Stat. 178, 179.)

References in Text

Section 2073 of title 28, referred to in text, was repealed by Pub. L. 89-773, § 2, Nov. 6, 1966, 80 Stat. 1323. See section 2072 of Title 28, Judiciary and Judicial Procedure.

Section 53 of title 11, referred to in text, was repealed by Pub. L. 88-623, § 3, Oct. 3, 1964, 78 Stat. 1001. See section 2075 of Title 28.

Amendments

1958—Subsec. (a). Pub. L. 85-444 provided that the District Court of Guam shall have jurisdiction in all causes arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy, and to insert the paragraph requiring appeals to the District Court to be heard and determined by an appellate division.

1954—Subsec. (b). Act Aug. 27, 1954, added provisions making it clear that trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall not be required in the District Court of Guam until so required by laws enacted by the Legislature of Guam; and defining the terms "attorney for the government", and "United States attorney", as used in the Federal Rules of Criminal Procedure, when applicable to cases arising under the laws of Guam.

Effective Date of 1954 Amendment

Section 2 of act Aug. 27, 1954, provided that the amendment of subsec. (b) by section 1 of that act shall be deemed to be in effect August 1, 1950.

Separability of Provisions

Section 4 of act Aug. 27, 1954, provided: "If any particular provision of this Act [which amended this section and which enacted other provisions set out as notes under this section], or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby."

NONREVERSAL OF CONVICTIONS PRIOR TO AUGUST 27, 1954

Section 3 of act Aug. 27, 1954, provided: "No conviction of a defendant in a criminal proceeding in the District Court of Guam heretofore had shall be reversed or set aside on the ground that the defendant was not indicted by a grand jury or tried by a petit jury."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1421i of this title; title 28 section 1869.

§ 1424a. Repealed. Oct. 31, 1951, ch. 655, § 56(e), 65 Stat. 729

Section, act Aug. 1, 1950, ch. 512, § 23, 64 Stat. 390, related to appeals from the District Court of Guam to the United States Court of Appeals for the Ninth Circuit, and to the United States Supreme Court. See sections 41, 1252, 1291, 1292, and 1294 of Title 28, Judiciary and Judicial Procedure.

SAVINGS PROVISIONS

Subsec. (*l*) of section 56 of act Oct. 31, 1951, provided that the repeal by section 56 of act Oct. 31, 1951, shall not affect any rights or liabilities existing hereunder on the effective date of that repeal (Oct. 31, 1951).

§ 1424b. District Court personnel

(a) Judge; appointment, tenure, and compensation

The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of Guam who shall hold office for the term of eight years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

The Chief Judge of the Ninth Judicial Circuit of the United States may assign a judge of the Island Court of Guam or a judge of the High Court of the Trust Territory of the Pacific Islands or a circuit or district judge of the ninth circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court.

(b) United States attorney and United States marshal

The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for Guam to whose offices the provisions of chapters 35 and 37 of title 28, respectively, shall apply.

(c) Magistrates; clerks, reporters, etc.

The provisions of chapters 43 and 49 of title 28 shall apply to the District Court of Guam.

(Aug. 1, 1950, ch. 512, § 24, 64 Stat. 390; Oct. 31, 1951, ch. 655, § 55(a), 65 Stat. 728; June 4, 1958, Pub. L. 85-444, § 3, 72 Stat. 179.)

CODIFICATION

In subsec. (b), "chapters 35 and 37 of title 28" was substituted for "chapters 31 and 33 of title 28" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 4(c) of which revised Part II of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1958—Subsec. (a). Pub. L. 85-444 increased the term of office from four to eight years, substituted provisions requiring the salary of the judge to be at the rate prescribed for judges of the United States district courts for provisions which required the salary of the judge to be the same as salary of the Governor of Guam, and inserted provisions permitting the Chief Judge of the Ninth Circuit to make temporary assignments.

1951—Subsec. (a). Act Oct. 31, 1951, in second sentence, struck out ", and shall be entitled to the benefits of retirement provided in section 373 of title 28".

Subsec. (c). Act Oct. 31, 1951, struck out references to chapters 21, 41, and 57 of title 28.

CROSS REFERENCES

Compensation of district court judges, see section 135 of Title 28, Judiciary and Judicial Procedure.

Court officers and employees, general provisions applicable to, see section 951 et. seq. of Title 28.

General provisions applicable to courts and judges, see section 451 et seq. of Title 28.

Provisions relating to Administrative Office of the United States Courts, applicability to District Court of Guam, see section 610 of Title 28.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1424 of this title.

SUBCHAPTER V—PUBLIC HOUSING AND URBAN RENEWAL

§ 1425. Mortgage insurance on housing projects or property; conditions and limitations

If the Federal Housing Commissioner finds that, because of higher costs prevailing in Guam, it is not feasible to construct dwellings on property located in Guam without sacrifice of sound standards of construction, design, or livability, within the limitations as to maximum or maxima mortgage amounts provided in this Act [12 U.S.C. 1701 et seq.], the Commissioner may, by regulations or otherwise, prescribe, with respect to dollar amount, a higher maximum for the principal obligation of mortgages insured under this Act covering property located in Guam, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum or maxima otherwise applicable by more than one-third thereof. No mortgage with respect to a project or property in Guam shall be accepted for insurance under this Act unless the Commissioner finds that the project or property is an acceptable risk, giving consideration to the acute housing shortage in Guam: *Provided*, That any such mortgage may be insured or accepted for insurance without regard to any requirement in any other section of this Act that the Commissioner find the project or property to be economically sound or an acceptable risk. Nowithstanding[1] any of the provisions of this Act or any other law, the Government of Guam or any agency or instrumentality thereof shall be eligible as mortgagor or mortgagee, as the case may be, for any of the purposes of mortgage insurance under the provisions of this Act. Upon application by the mortgagee (1) where the mortgagor is regulated or restricted pursuant to the last sentence of this section or (2)

[1] So in original. Probably should read "Notwithstanding".

where the Government of Guam or any agency or instrumentality thereof is the mortgagor or mortgagee, for the insurance of a mortgage under any provisions of this Act, the Commissioner is authorized to insure the mortgage (including advances thereon where otherwise authorized), and to make commitments for the insuring of any such mortgages prior to the date of their execution or disbursement thereon, under such provisions (and this section) without regard to any requirement that the mortgagor shall be the owner and occupant of the property or shall have paid a prescribed amount on account of such property. Without limiting the authority of the Commissioner under any other provision of law, the Commissioner is authorized, with respect to any mortgagor in such case (except where the Alaska Housing Authority is the mortgagor or mortgagee), to require the mortgagor to be regulated or restricted as to rents or sales, charges, capital structure, rate of return, and methods of operation to such an extent and in such manner as the Commissioner determines advisable to provide reasonable rentals and sales prices and a reasonable return on the investment.

(June 27, 1934, ch. 847, § 214, as added Apr. 23, 1949, ch. 89, § 2(a), 63 Stat. 57, and amended July 14, 1952, ch. 723, § 10(a)(3), 66 Stat. 603; June 30, 1953, ch. 170, § 25 (c), 67 Stat. 128.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended, known as the National Housing Act, which is classified principally to chapter 13 (§ 1701 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see section 1701 of Title 12 and Tables volume.

CODIFICATION

Section is comprised of section 214 of act June 27, 1934, as added by section 2(a) of act Apr. 23, 1949. Similar provisions relating to Alaska and Hawaii were set out as sections 484d and 723 of this title, and the section, in its complete form, embracing Alaska, Guam, and Hawaii, is set out as section 1715d of Title 12, Banks and Banking.

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

AMENDMENTS

1953—Act June 30, 1953, substituted, in fourth sentence, "Upon application by the mortgagee (1) where the mortgagor is regulated or restricted pursuant to the last sentence of this section or (2)" for "Upon application by the mortgagee,"; and added sentence beginning "Without limiting the authority".

1952—Act July 14, 1952, made the provisions applicable to Guam and inserted "or maxima" following "maximum".

§ 1425a. Legislative authority to create authorities; appointment of members; powers of authorities

The Legislature of Guam may by law grant to a public corporate authority, existing or to be created by or under such law, powers to undertake urban renewal and housing activities in Guam. Such legislature may by law provide for the appointment, terms of office, or removal of the members of such authority and for the powers of such authority, including authority to accept whatever benefits the Federal Government may make available, and to do all things, to exercise any and all powers, and to assume and fulfill any and all obligations, duties, responsibilities, and requirements, including but not limited to those relating to planning or zoning, necessary or desirable for receiving such Federal assistance, except that such authority shall not be given any power of taxation, nor any power to pledge the faith and credit of the territory of Guam for any loan whatever.

(Pub. L. 88-171, § 1, Nov. 4, 1963, 77 Stat. 304.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1425d of this title.

§ 1425b. Issuance of notes, bonds, and obligations

The Legislature of Guam may by law authorize such authority, any provision of the Organic Act of Guam [48 U.S.C. 1421 et seq.], or any other Act of Congress to the contrary notwithstanding, to borrow money and to issue notes, bonds, and other obligations of such character and maturity, with such security, and in such manner as the legislature may provide. Such notes, bonds, and other obligations shall not be a debt of the United States, or of Guam other than such authority, nor constitute a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of notes, bonds, or other obligations contained in any laws of the United States applicable to Guam or to any agency thereof.

(Pub. L. 88-171, § 2, Nov. 4, 1963, 77 Stat. 304.)

REFERENCES IN TEXT

The Organic Act of Guam, referred to in text, is act Aug. 1, 1950, ch. 512, 64 Stat. 384, as amended, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables volume.

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1425d of this title.

§ 1425c. Authorization of loans, conveyances, etc.

The Legislature of Guam may by law assist such authority by furnishing, or authorizing the furnishing of, cash donations, loans, conveyances of real and personal property, facilities, and services, and otherwise, and may by law take other action in aid of urban renewal or housing or related activities.

(Pub. L. 88-171, § 3, Nov. 4, 1963, 77 Stat. 304.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1425d of this title.

§ 1425d. Ratification of prior act

Each and every part of Public Law 6-135, approved December 18, 1962, heretofore enacted by the Legislature of Guam dealing with any part of the subject matter of sections 1425a to 1425e of this title and not inconsistent therewith is ratified and confirmed.

(Pub. L. 88-171, § 4, Nov. 4, 1963, 77 Stat. 304.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

§ 1425e. Additional powers

Powers granted herein shall be in addition to, and not in derogation of, any powers granted by other law to, or for the benefit or assistance of, any public corporate authority.

(Pub. L. 88-171, § 5, Nov. 4, 1963, 77 Stat. 304.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1425d of this title.

§ 1426. Repealed. Aug. 2, 1954, ch. 649, title II, § 205, 68 Stat. 622

Section, acts Apr. 23, 1949, ch. 89, § 2(b), 63 Stat. 58; June 30, 1953, ch. 170, § 25(b), 67 Stat. 128, related to purchase of insured mortgage loans by the Federal National Morgage Association, with respect to property in Guam.

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

SUBCHAPTER VI—GUAM DEVELOPMENT FUND

§ 1428. Authorization of appropriations

For the purpose of promoting economic development in the territory of Guam, there is hereby authorized to be appropriated to the Secretary of the Interior to be paid to the government of Guam for the purposes of this subchapter the sum of $5,000,000.

(Pub. L. 90-601, § 2, Oct. 17, 1968, 82 Stat. 1172.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1428b of this title.

§ 1428a. Submission of plan for use of funds; contents of plan; term, interest rate, and premium charge of loan

Prior to receiving any funds pursuant to this subchapter the government of Guam shall submit to the Secretary of the Interior a plan for the use of such funds which meets the requirements of this section and is approved by the Secretary. The plan shall designate an agency or agencies of such government as the agency or agencies for the administration of the plan and shall set forth the policies and procedures to be followed in furthering the economic development of Guam through a program which shall include and make provision for loans and loan guarantees to promote the development of private enterprise and private industry in Guam through a revolving fund for such purposes: *Provided*, That the term of any loan made pursuant to the plan shall not exceed twenty-five years; that such loans shall bear interest (exclusive of premium charges for insurance, and service charges, if any) at such rate per annum as is determined to be reasonable and as approved by the Secretary, but in no event less than a rate equal to the average yield on outstanding marketable obligations of the United States as of the last day of the month preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon the request of the authorized agency or agencies of the government of Guam; and that premium charges for the insurance and guarantee of loans shall be commensurate, in the judgment of the agency or agencies administering the fund, with expenses and risks covered.

(Pub. L. 90-601, § 3, Oct. 17, 1968, 82 Stat. 1172.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1428c of this title.

§ 1428b. Prerequisite for loan or loan guarantee; maximum participation in available funds; reserves for loan guarantees

No loan or loan guarantee shall be made under this subchapter to any applicant who does not satisfy the agency or agencies administering the plan that financing is otherwise unavailable on reasonable terms and conditions. The maximum participation in the funds made available under section 1428 of this title shall be limited (a) so that not more than 25 per centum of the funds actually appropriated by the Congress may be devoted to any single project (b) to 90 per centum of loan guarantee, and (c) with respect to all loans, to that decree of participation prudent under the circumstances of individual loans but directly related to the minimum essential participation necessary to accomplish the purposes of this subchapter: *Provided*, That, with respect to loan guarantees, the reserves maintained by the agency or agencies for the guarantees shall not be less than 25 per centum of the guarantee.

(Pub. L. 90-601, § 4, Oct. 17, 1968, 82 Stat. 1172.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

§ 1428c. Accounting procedures

The plan provided for in section 1428a of this title shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

(Pub. L. 90-601, § 5, Oct. 17, 1968, 82 Stat. 1172.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

§ 1428d. Annual report by Governor

The Governor of Guam shall make an annual report to the Secretary of the Interior on the administration of this subchapter who shall then forward copies of such reports to the Speaker of the House of Representatives and the President of the Senate.

(Pub. L. 90-601, § 6, Oct. 17, 1968, 82 Stat. 1173.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

§ 1428e. Audit of books and records of agency, or agencies, administering loan funds

The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to the books, documents, papers, and records of the agency, or agencies, of the government of Guam administering the plan that are pertinent to the funds received under this subchapter.

(Pub. L. 90-601, § 7, Oct. 17, 1968, 82 Stat. 1173.)

CODIFICATION

Section was not enacted as part of act Aug. 1, 1950, ch. 512, 64 Stat. 384, known as the Organic Act of Guam, which comprises this chapter.

CHAPTER 9—SAMOA, TUTUILA, MANUA, SWAINS ISLAND, AND TRUST TERRITORY OF THE PACIFIC ISLANDS

§§ 1431 to 1440. Transferred

Section 1431, act Mar. 4, 1925, ch. 563, 43 Stat. 1357, which related to sovereignty of United States extended over Swains Island, was transferred to section 1662 of this title.

Section 1431a, acts Feb. 20, 1929, ch. 281, 45 Stat. 1253; May 22, 1929, ch. 6, 46 Stat. 4, which related to islands of Tutuila, Manua, and Eastern Samoa, was transferred to section 1661 of this title.

Section 1432, act June 28, 1906, ch. 3585, 34 Stat. 552, which related to acknowledgment of deeds in the islands of Somoa, was transferred to section 1663 of this title.

Section 1433, act June 14, 1934, ch. 523, 48 Stat. 963, which related to inapplicability of coastwise shipping laws to Samoa, was transferred to section 1664 of this title.

Section 1434, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 457, which related to purchases by governments of Samoa was transferred to section 1665 of this title.

Section 1435, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458, which related to purchases by governments of Pacific Trust Territory, was transferred to section 1682 of this title. Act June 31, 1954, ch. 423, § 1, formerly set out as a note under this section, and which related to continuance of civil government for the Trust Territory, is now set out as section 1681 of this title. Section 2 of that act, which provided for annual appropriation authorization, is set out as a note under section 1681 of this title.

Section 1436, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458, which related to auditing transactions of Pacific Trust Territory, was transferred to section 1683 of this title.

Section 1437, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458, which related to expenditure of funds for administration of Pacific Trust Territory, was transferred to section 1684 of this title.

Section 1438, act July 9, 1952, ch. 597, title I, § 108, 66 Stat.460, which related to transfer of property or money for administration of Pacific Trust Territory, was transferred to section 1685 of this title.

Section 1439, act July 31, 1953, ch. 298, title I, § 1, 67 Stat. 274, which related to approval by Congress of new activity in Pacific Trust Territory, was transferred to section 1686 of this title.

Section 1440, Pub. L. 85-77, title I, § 1, July 1, 1957, 71 Stat. 266, which related to expenditure of appropriations for Pacific Trust Territory for aircraft and surface vessels, was transferred to section 1687 of this title.

CHAPTER 10—TERRITORIAL PROVISIONS OF A GENERAL NATURE

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CODIFICATION

The source of most sections of this chapter is the Revised Statutes enacted in 1873 and other early statutes. The Revised Statutes can no longer apply to contiguous territory because no such territory now exists. As to noncontiguous territory, Guam, Puerto Rico, and the Virgin Islands each has its own organic act, providing a complete system of government, legislative, executive, and judicial. The Canal Zone has its own code of laws. The independence of the Philippine Islands was recognized by Proc. No. 2695, eff. July 4, 1946, set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse. The other possessions, such as Samoa, are covered by special provisions set out elsewhere in this title.

§ 1451. Rights of Indians not impaired; boundaries

Nothing in this chapter shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory.

(R.S. § 1839.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original "this Title", meaning title XXIII of the Revised Statutes, which consists of R.S. §§ 1839 to 1976, and, insofar as classified to the Code, is now contained in sections 1451 to 1455, 1457 to 1460a, 1463, 1463a, 1465, 1467 to 1470, 1480, and 1482 to 1485 of this title and in sections 644 to 647, 649, and 655 to 657 of Title 16, Conservation. For complete classification of R.S. §§ 1839 to 1976 to the Code, see Tables volume.

CODIFICATION

R.S. § 1839 is from N.M., act Sept. 9, 1850, ch. 49, § 2, 9 Stat. 447. Utah, act Sept. 9, 1850, ch. 51, § 1, 9 Stat. 453. Wash., act Mar. 2, 1853, ch. 90, § 1, 10 Stat. 172. Colo., act Feb. 28, 1861, ch. 59, § 1, 12 Stat. 172. Dak., act Mar. 2, 1861, ch. 86, § 1, 12 Stat. 239. Ariz., act Feb. 24, 1863, ch. 56, § 1, 12 Stat. 664. Idaho, act Mar. 3, 1863, ch. 117, § 1, 12 Stat. 808. Mont., act May 26, 1864, ch. 95, § 1, 13 Stat. 85. Wyo., act July 25, 1868, ch. 235, § 1, 15 Stat. 178.

§ 1452. Regulation of Indians

Nor shall anything in this chapter be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory.

(R.S. § 1840.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original "this Title", meaning title XXIII of the Revised Statutes, which consists of R.S. §§ 1839 to 1976, and, insofar as classified to the Code, is now contained in sections 1451 to 1455, 1457 to 1460a, 1463, 1463a, 1465, 1467 to 1470, 1480, and 1482 to 1485 of this title and in sections 644 to 647, 649, and 655 to 657 of Title 16, Conservation. For complete classification of R.S. §§ 1839 to 1976 to the Code, see Tables volume.

CODIFICATION

R.S. § 1840 is from N.M., act Sept. 9, 1850, ch. 49, § 2, 9 Stat. 447. Utah, act Sept. 9, 1850, ch. 51, § 1, 9 Stat. 453. Wash., act Mar. 2, 1853, ch. 90, § 1, 10 Stat. 172. Colo., act Feb. 28, 1861, ch. 59, § 1, 12 Stat. 172. Dak., act Mar. 2, 1861, ch. 86, § 1, 12 Stat. 239. Ariz., act Feb. 24, 1863, ch. 56, § 1, 12 Stat. 664. Idaho, act Mar. 3, 1863, ch. 117, § 1, 12 Stat. 808. Mont., act May 26, 1864, ch. 95, § 1, 13 Stat. 85. Wyo., act July 25, 1868, ch. 235, § 1, 15 Stat. 178.

§ 1453. Executive power

The executive power of each Territory shall be vested in a governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. He shall reside in the Territory for which he is appointed, and shall be commander in chief of the militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offenses against the laws of the Territory for which he is appointed, and respites for offenses against the laws of the United States till the decision of the President can be made known thereon. He shall commission all officers who are appointed under the laws of such Territory, and shall take care that the laws thereof be faithfully executed.

(R.S. § 1841.)

CODIFICATION

R.S. § 1841 is from N.M., act Sept. 9, 1850, ch. 49, § 3, 9 Stat. 447. Utah, act Sept. 9, 1850, ch. 51, § 2, 9 Stat. 453. Wash., act Mar. 2, 1853, ch. 90, § 2, 10 Stat. 173. Colo., act Feb. 28, 1861, ch. 59, § 2, 12 Stat. 172. Dak., act Mar. 2, 1861, ch. 86, § 2, 12 Stat. 239. Ariz., act Feb. 24, 1863, ch. 56, § 2, 12 Stat. 665. Idaho, act Mar. 3, 1863, ch. 117, § 2, 12 Stat. 809. Mont., act May 26, 1864, ch. 95, § 2, 13 Stat. 86. Wyo., act July 25, 1868, ch. 235, § 2, 15 Stat. 178; act July 19, 1876, ch. 212, 19 Stat. 91.

§ 1453a. Temporary establishment of judicial districts and assignment of judges by governor

Temporarily, and until otherwise provided by law, the governor of every Territory which may be hereafter established shall define, by proclamation, the judicial districts of such Territory, and assign the judges appointed for such Territory to the several districts as well as fix the times and places for holding courts in the respective counties or subdivisions of each judicial district.

(R.S. § 1873.)

CODIFICATION

R.S. § 1873 is from N.M., act Sept. 9, 1850, ch. 49, § 16, 9 Stat. 452. Utah, act Sept. 9, 1850, ch. 51, § 16, 9 Stat. 458. Wash., act Mar. 2, 1853, ch. 90, § 18, 10 Stat. 179. Colo., act Feb. 28, 1861, ch. 59, § 15, 12 Stat. 176.

Dak., act Mar. 2, 1861, ch. 86, § 15, 12 Stat. 243. Ariz., act Feb. 24, 1863, ch. 56, § 2, 12 Stat. 665. Idaho, act Mar. 3, 1863, ch. 117, § 15, 12 Stat. 814. Mont., act May 26, 1864, ch. 95, § 15, 13 Stat. 91. Wyo., act July 25, 1868, ch. 235, § 15, 15 Stat. 183.

§ 1454. Secretary; appointment; term

There shall be appointed a secretary for each Territory, who shall reside within the Territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. In case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence or until another governor is appointed and qualified.

(R.S. § 1843.)

Codification

R.S. § 1843 is from N.M., act Sept. 9, 1850, ch. 49, § 4, 9 Stat. 448, Utah, act Sept. 9, 1850, ch. 51, § 3, 9 Stat. 452. Wash., act Mar. 2, 1853, ch. 90, § 3, 10 Stat. 173. Colo., act Feb. 28, 1861, ch. 59, § 3, 12 Stat. 172. Dak., act Mar. 2, 1861, ch. 86, § 3, 12 Stat. 240. Ariz., act Feb. 24, 1863, ch. 56, § 2, 12 Stat. 665. Idaho, act Mar. 3, 1863, ch. 117, § 3, 12 Stat. 809. Mont., act May 26, 1864, ch. 95, § 3, 13 Stat. 86. Wyo., act July 25, 1868, ch. 235, § 3, 15 Stat. 179.

§ 1455. Duties of Secretary

The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate, and to the Speaker of the House of Representatives, for the use of Congress. He shall transmit one copy of the executive proceedings and official correspondence semiannually, on the 1st day of January and July in each year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy thereof to the public printer of the Territory, within ten days after the passage of each act.

(R.S. § 1844.)

Codification

R.S. § 1844 is from act Aug. 29, 1842, ch. 259, § 2, 5 Stat. 541. N.M., act Sept. 9, 1850, ch. 49, § 4, 9 Stat. 448. Utah, act Sept. 9, 1850, ch. 51, § 3, 9 Stat. 452. Wash., act Mar. 2, 1853, ch. 90, § 3, 10 Stat. 173. Colo., act Feb. 28, 1861, ch. 59, § 3, 12 Stat. 172. Dak., act Mar. 2, 1861, ch. 86, § 3, 12 Stat. 240. Ariz., act Feb. 24, 1863, ch. 56, § 2, 12 Stat. 665. Idaho, act Mar. 3, 1863, ch. 117, § 3, 12 Stat. 809. Mont., act May 26, 1864, ch. 95, § 3, 13 Stat. 86. Wyo., act July 25, 1868, ch. 235, § 3, 15 Stat. 179; act June 20, 1874, ch. 328, 18 Stat. 99.

Copies to Surveyor-General

The Secretary of each Territory was required to furnish to the Surveyor-General a copy of every act of the legislature incorporating any city or town, by a provision of act Mar. 3, 1877, ch. 113, § 3, 19 Stat. 392, which provision was superseded by the prohibition of the passage by the legislatures of the Territories of special acts incorporating cities or towns, by section 1471 of this title.

§ 1456. Repealed. Sept. 12, 1950, ch. 946, title III, § 301 (106), 64 Stat. 844

Section, acts June 20, 1874, ch. 328, § 1, 18 Stat. 99; June 10, 1921, ch. 18, § 215, 42 Stat. 23, made it the duty of the secretary of each Territory to furnish annual estimates for expenses to the Secretary of the Treasury.

§ 1457. Extra compensation to officers

No law of any Territorial legislature shall be made or enforced by which the governor or secretary of a Territory, or the members or officers of any Territorial legislature are paid any compensation other than that provided by the laws of the United States.

(R.S. § 1855.)

Codification

R.S. § 1855 is from act Jan. 23, 1873, ch. 48, § 4, 17 Stat. 416.

§ 1458. Other officers

All township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of each Territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint; but, in the first instance, where a new Territory is hereafter created by Congress, the governor alone may appoint all the officers referred to in this section and assign them to their respective townships, districts, and counties; and the officers so appointed shall hold their officers until the end of the first session of the legislative assembly.

(R.S. § 1857.)

Codification

R.S. § 1857 is from N.M., act Sept. 9, 1850, ch. 49, § 8, 9 Stat. 449; Utah, act Sept. 9, 1850, ch. 51, § 7, 9 Stat. 455; Wash., act Mar. 2, 1853, ch. 90, § 7, 10 Stat. 175; Colo., act Feb. 28, 1861, ch. 59, § 7, 12 Stat. 174; Dak., act Mar. 2, 1861, ch. 86, § 7, 12 Stat. 241; Ariz., act Feb. 24, 1863, ch. 56, § 2, 12 Stat. 665; Idaho, act Mar. 3, 1863, ch. 117, § 7, 12 Stat. 811; Mont., act May 26, 1864, ch. 95, § 7, 13 Stat. 88; Wyo., act July 25, 1868, ch. 235, § 7, 15 Stat. 180.

Section as a General Statute

The Attorney General of Alaska, commenting on this section under date of June 9, 1927, doubts whether R.S. § 1857, constituting the section is a general statute. He says:

"This section is an exact copy of section 1857 R.S. But in the Revised Statutes it erroneously appears as a general statute, whereas in fact it was only a special statute in this that it was made a part of the Organic Act of each Territory separately and successively organized. While thus the provisions of this section were a part of the law governing each Territory, it could not be said to be such a general law as would govern the future Territories unless embodied in the Organic Act of the Territories thereafter created. It was not embodied in the Organic Act of Alaska and has been treated as not applicable to this Territory for the reasons above stated and it would not seem to me that at present it applies to this or any other Territory.

"Not only on account of the fact that this statute is a special enactment for the Territories severally, but on account of the fact that it refers to a legislative

'Council' does it seem to be inapplicable to the present Territories. The legislative assembly of the present Territories is divided into a 'Senate' and 'House of Representatives.' The 'Council' of the earlier Territories cannot be said to be tantamount to or identical with a 'Senate' of the modern Territories. The present Senates are continuous bodies one-half of the membership of which is elected every two years for a term of four years, while the members of the Council of the old Territories were elected every two years for a term of two years the same as were the members of the House of Representatives."

§ 1459. Vacancies, how filled

In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which, under the organic act of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council.

(R.S. § 1858.)

Codification

R.S. § 1858 is from act June 8, 1872, ch. 344, 17 Stat. 335.

§ 1460. Qualification of voters; holding office

At all elections subsequent to the first election, in any Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the legislative assembly of each Territory; subject, nevertheless, to the following restrictions on the power of the legislative assembly, namely:

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such and have taken an oath to support the Constitution and Government of the United States.

Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude.

Third. No officer, soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in any Territory, by reason of being on service therein, unless such Territory is, and has been for the period of six months, his permanent domicile.

Fourth. No person belonging to the Army, Navy, Marine Corps, or Coast Guard shall be elected to or hold any civil office or appointment in any Territory, except officers and enlisted men of the Army, the Navy, the Marine Corps, or the Coast Guard on the retired list.

(R.S. § 1860; Mar. 3, 1883, ch. 134, 22 Stat. 567; July 31, 1939, ch. 399, 53 Stat. 1143.)

Codification

In clause Fourth, the exception relating to Coast Guard Officers appointed as United States Commissioners or Deputy Marshals in the Territory of Alaska, has been omitted as obsolete in view of Alaska statehood.

R.S. § 1860 is from N.M., act Sept. 9, 1850, ch. 49, § 9, 9 Stat. 449; Utah, act Sept. 9, 1850, ch. 51, § 8, 9 Stat. 455; Wash., act Mar. 2, 1853, ch. 90, § 8, 10 Stat. 175; Colo., act Feb. 28, 1861, ch. 59, § 8, 12 Stat. 174; Dak., act Mar. 2, 1861, ch. 86, § 8, 12 Stat. 241; Ariz., act Feb. 24, 1863, ch. 56, § 2, 12 Stat. 665; Idaho, act Mar. 3, 1863, ch. 117, § 8, 12 Stat. 811; Mont., act May 26, 1864, ch. 95, § 8, 13 Stat. 88; Wyo., act July 25, 1868, ch. 235, § 8, 15 Stat. 180.

Amendments

1939—Act July 31, 1939, added the references to the Marine Corps and the Coast Guard and the second "except" clause in cl. fourth.

1883—Act Mar. 3, 1883, added the exception as to officers of the Army on the retired list in cl. fourth.

Transfer of Functions

The Coast Guard was transferred to the Department of Transportation, and all functions, powers, and duties relating to the Coast Guard of the Secretary of the Treasury and of all other officers and offices of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of Title 14, Coast Guard. See section 1655(b) of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is operating as part of the Navy under sections 1 and 3 of Title 14.

§ 1460a. Members of legislature; restrictions

No member of the legislative assembly of any Territory now organized shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly in any Territory hereafter organized; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of any Territory.

(R.S. § 1854; Feb. 22, 1889, ch. 180, 25 Stat. 676; Nov. 11, 1889, No. 8, 26 Stat. 1552, 1553.)

Codification

As originally enacted this section contained an additional sentence which provided that the exception of postmasters should not apply in the Territory of Washington. The sentence was omitted in view of act Feb. 22, 1889, which provided for creation of the State of Washington, and of 1889 Proc. No. 8, which provided for the admission of that State into the Union.

R.S. § 1854 is from N.M., act Sept. 9, 1850, ch. 49, § 9, 9 Stat. 449; Utah, act Sept. 9, 1850, ch. 51, § 8, 9 Stat. 455; Wash., act Mar. 2, 1853, ch. 90, § 8, 10 Stat. 175; Colo., act Feb. 28, 1861, ch. 59, § 8, 12 Stat. 174; Dak., act Mar. 2, 1861, ch. 86, § 8, 12 Stat. 241; Ariz., act Feb. 24, 1863, ch. 56, § 2, 12 Stat. 665; Idaho, act Mar. 3,

1863, ch. 117, § 8, 12 Stat. 611; Mont., act May 26, 1864, ch. 95, § 8, 13 Stat. 88; Wyo., act July 25, 1868, ch. 235, § 8, 15 Stat. 180.

§ 1461. Bigamist; restrictions

No polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States has exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory, or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

(Mar. 22, 1882, ch. 47, § 8, 22 Stat. 31.)

§ 1462. Subordinate officers of legislature

The subordinate officers of each branch of said Territorial legislatures shall consist of one chief clerk, who shall receive a compensation of $6 per day; one enrolling and engrossing clerk at $5 per day; sergeant at arms and doorkeeper, at $5 per day; one messenger and watchman, at $4 per day each; and one chaplain, at $1.50 per day. Said sums shall be paid only during the sessions of said legislatures; and no greater number of officers or charges per diem shall be paid or allowed by the United States to any Territory.

(June 19, 1878, ch. 329, § 1, 20 Stat. 193.)

Codification

Section, as originally enacted, contained an additional sentence, reciting the repeal of R.S. § 1861, and the substitution of this section in lieu thereof, which has been omitted as executed.

§ 1463. Chancery and common-law jurisdiction

The supreme court and the district courts, respectively, of every Territory, shall possess chancery as well as common-law jurisdiction.

(R.S. § 1868.)

Codification

R.S. § 1868 is from N.M., act Sept. 9, 1850, ch. 49, § 10, 9 Stat. 449. Utah, act Sept. 9, 1850, ch. 51, § 9, 9 Stat. 455. Wash., act Mar. 2, 1853, ch. 90, § 9, 10 Stat. 175. Colo., act Feb. 28, 1861, ch. 59, § 9, 12 Stat. 174. Dak., act Mar. 2, 1861, ch. 86, § 9, 12 Stat. 241. Ariz., act Feb. 24, 1863, ch. 56, § 2, 12 Stat. 665. Idaho, act Mar. 3, 1863, ch. 117, § 9, 12 Stat. 811. Mont., act May 26, 1864, ch. 95, § 9, 13 Stat. 88. Wyo., act July 25, 1860, ch. 235, § 9, 15 Stat. 180; act Apr. 7, 1874, ch. 80, 18 Stat. 27.

§ 1463a. Supreme Court; justices; appointment and tenure of office

The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

(R.S. § 1864.)

Codification

R.S. § 1864 is from N.M., act Sept. 9, 1850, ch. 49, § 10, 9 Stat. 449. Utah, act Sept. 9, 1850, ch. 51, § 9, 9 Stat. 455. Wash., act Mar. 2, 1853, ch. 90, § 9, 10 Stat. 175. Colo., act Feb. 28, 1861, ch. 59, § 9, 12 Stat. 174. Dak., act Mar. 2, 1861, ch. 86, § 9, 12 Stat. 241. Ariz., act Feb. 24, 1863, ch. 56, § 2, 12 Stat. 665. Idaho, act Mar. 3, 1863, ch. 117, § 9, 12 Stat. 811. Mont., act May 26, 1864, ch. 95, § 9, 13 Stat. 88. Wyo., act July 25, 1868, ch. 235, § 9, 15 Stat. 180.

Increase in Term

Act May 9, 1956, ch. 237, § 2, 70 Stat. 131, provided that amendment by said act to section 633 of this title, increasing the term of office of supreme court justices from 4 to 7 years, should apply notwithstanding the provisions of this section.

§ 1464. Court jurisdiction under codes

It shall not be necessary in any of the courts of the several Territories of the United States to exercise separately the common-law and chancery jurisdictions vested in said courts; and the several codes and rules of practice adopted in said Territories respectively, insofar as they authorize a mingling of said jurisdictions or a uniform course of proceeding in all cases whether legal or equitable, are confirmed; and all proceedings heretofore had or taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding, are hereby validated and confirmed: *Provided*, That no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law.

(Apr. 7, 1874, ch. 80, § 1, 18 Stat. 27.)

§ 1465. Oath of office

The governor and secretary for each Territory shall, before they act as such, respectively take an oath before the district judge, or some justice of the peace in the limits of the Territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the Chief Justice or some Associate Justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; and such oaths shall be certified by the person before whom the same are taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any Territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new Territory, as well as in all organized Territories, the like oath shall be taken, certified, and recorded in such manner and form as may be prescribed by the law of each Territory.

(R.S. § 1878.)

CODIFICATION

R.S. § 1878 is from N.M., act Sept. 9, 1850, ch. 49, § 12, 9 Stat. 450. Utah, act Sept. 9, 1850, ch. 51, § 11, 9 Stat. 456. Wash., act Mar. 2, 1853, ch. 90, § 11, 10 Stat. 176. Colo., act Feb. 28, 1861, ch. 59, § 11, 12 Stat. 175. Dak., act Mar. 2, 1861, ch. 86, § 11, 12 Stat. 242. Ariz., act Feb. 24, 1863, ch. 56, § 2, 12 Stat. 665. Idaho, act Mar. 3, 1863, ch. 117, § 11, 12 Stat. 812. Mont., act May 26, 1864, ch. 95, § 11, 13 Stat. 90. Wyo., act July 25, 1868, ch. 235, § 11, 15 Stat. 181; act May 1, 1876, ch. 88, 19 Stat. 43.

CROSS REFERENCES

Oaths to be administered by notaries public appointed in any Territory, by clerks and prothonotaries of courts of record of any Territory and their deputies, and by all magistrates authorized by laws of that Territory, see section 2903 of Title 5, Government Organization and Employees.

§ 1466. Commencement of salaries of officers

Payment of salaries of all officers of the Territories of the United States appointed by the President shall commence only when the person appointed to any such office shall take the proper oath, and shall enter upon the duties of such office in such Territory; and said oath shall hereafter be administered in the Territory in which such office is held.

(May 1, 1876, ch. 88, 19 Stat. 43.)

CODIFICATION

This was a provision of the deficiency appropriation act for the fiscal year 1876.

§ 1467. Fees

The fees and costs to be allowed to the United States attorneys and marshals, to the clerks of the supreme and district courts, and to jurors, witnesses, magistrates, and printers, in the Territories of the United States shall be the same for similar services by such persons as prescribed in chapter 16, Title "The Judiciary," and no other compensations shall be taxed or allowed.

(R.S. § 1883; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118.)

REFERENCES IN TEXT

Chapter 16, Title "The Judiciary", referred to in text, means chapter 16 of title 13 of the Revised Statutes, consisting of R.S. §§ 823 to 857. For complete classification of R.S. §§ 823 to 857 to the Code, see Tables volume.

CODIFICATION

R.S. § 1883 is from act June 23, 1874, ch. 469, § 7, 18 Stat. 256.

CHANGE OF NAME

"Magistrates" was substituted for "commissioners" pursuant to Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

§ 1468. Salary not paid when officer absent

When any officer of a Territory is absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the President, who shall officially certify his opinion of such cause to the Comptroller General, to be filed in his office.

(R.S. § 1884; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

CODIFICATION

R.S. § 1884 is from act June 15, 1852, ch. 49, § 1, 10 Stat. 10.

AMENDMENTS

1921—Act June 10, 1921, substituted "Comptroller General" for "proper accounting officer of the Treasury." That Act, transferring to the General Accounting Office, all powers and duties of Comptroller of Treasury and other officers is set out as section 44 of Title 31, Money and Finance.

§ 1469. Accounts and disbursements of Territories

All accounts for disbursements, in the Territories of the United States, of money appropriated by Congress for the support of government therein, shall be settled and adjusted at the General Accounting Office; and no act, resolution, or order of the legislature of any Territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the Comptroller General. No payment shall be made or allowed, unless the Secretary of the Treasury has estimated therefor and the object been approved by Congress. No session of the legislature of a Territory shall be held until the appropriation for its expenses has been made.

(R.S. § 1886; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

CODIFICATION

R.S. § 1886 is from act Aug. 29, 1842, ch. 259, § 2, 5 Stat. 541.

AMENDMENTS

1921—Act June 10, 1921, substituted "General Accounting Office" for "Treasury Department" and "Comptroller General" for "accounting officers of the Treasury".

§ 1470. Annual expense appropriation not to be exceeded

No legislative assembly of a Territory shall, in any instance or under any pretext, exceed the amount appropriated by Congress for its annual expenses

(R.S. § 1888.)

CODIFICATION

R.S. § 1888 is from act May 18, 1842, ch. 29, No. 117, 5 Stat. 480.

§ 1470a. Availability of appropriations for surface vessels

Appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

(Pub. L. 94-373, title I, § 100, July 31, 1976, 90 Stat. 1052.)

SIMILAR PROVISIONS

Section is from the Department of the Interior and Related Agencies Appropriation Act, 1977. Similar provisions were contained in the following prior appropriation acts:

Dec. 23, 1975, Pub. L. 94-165, title I, § 100, 89 Stat. 987.
Aug. 31, 1974, Pub. L. 93-404, title I, § 100, 88 Stat. 812.
Oct. 4, 1973, Pub. L. 93-120, title I, § 100, 87 Stat. 433.
Aug. 10, 1972, Pub. L. 92-369, title I, § 100, 86 Stat. 512.
Aug. 10, 1971, Pub. L. 92-76, title I, § 100, 85 Stat. 233.
July 31, 1970, Pub. L. 91-361, title I, § 100, 84 Stat. 673.
Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 151.
July 26, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 430.
June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 63.
May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 174.
June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 179.
July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 278.
July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 102.
Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 339.
Aug. 3, 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 250.
May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 112.
June 23, 1959, Pub. L. 86-60, title I, § 100, 73 Stat. 101.
June 4, 1958, Pub. L. 85-439, title I, § 100, 72 Stat. 163.
July 1, 1957, Pub. L. 85-77, title I, § 1, 71 Stat. 265.
June 13, 1956, ch. 380, title I, § 101, 70 Stat. 264.
June 16, 1955, ch. 147, title I, § 1, 69 Stat. 149.
July 1, 1954, ch. 446, title I, § 1, 68 Stat. 372.

§ 1471. Local or special laws

The legislatures of the Territories of the United States now or hereafter to be organized shall not pass local or special laws in any of the following enumerated cases, that is to say:

Granting divorces.

Changing the names of persons or places.

Laying out, opening, altering, and working roads or highways.

Vacating roads, town plats, streets, alleys, and public grounds.

Locating or changing county seats.

Regulating county and township affairs.

Regulating the practice in courts of justice.

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables.

Providing for changes of venue in civil and criminal cases.

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village.

For the punishment of crimes or misdemeanors.

For the assessment and collection of taxes for Territorial, county, township, or road purposes.

Summoning and impaneling grand or petit jurors.

Providing for the management of common schools.

Regulating the rate of interest on money.

The opening and conducting of any election or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries or toll bridges.

Remitting fines, penalties, or forfeitures.

Creating, increasing, or decreasing fees, percentage, or allowances of public officers during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the Territories of the United States by the Territorial legislatures thereof.

(July 30, 1886, ch. 818, § 1, 24 Stat. 170.)

Section Referred to in Other Sections

This section is referred to in sections 1472, 1473, 1474, 1476, 1477 to 1479 of this title.

§ 1472. Indebtedness of municipal corporations

No political or municipal corporation, county, or other subdivision in any of the Territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding 4 per centum on the value of the taxable property within such corporation, county, or subdivision, to be ascertained by the last assessment for Territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void, but nothing in sections 1471 to 1473, 1475, 1478, or 1479 of this title contained shall be so construed as to affect the validity of any act of any Territorial legislature enacted prior to July 30, 1886, or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds contracted for in pursuance of express provisions of law prior to such date; nor to prevent any Territorial legislature from legalizing the acts of any county, municipal corporation, or subdivision of any Territory as to any bonds theretofore issued or contracted to be issued.

The prohibitions and limitations contained in this section shall not be construed to apply to irrigation districts organized in accordance with Territorial laws.

(July 30, 1886, ch. 818, § 4, 24 Stat. 171; Aug. 22, 1911, ch. 43, 37 Stat. 33.)

Amendments

1911—Act Aug. 22, 1911, added the provisions constituting the second paragraph of this section.

Cross References

Provisions of this section not to affect certain municipal corporations, see sections 1476 and 1477 of this title.

Section Referred to in Other Sections

This section is referred to in sections 1473, 1474, 1476, 1477 to 1479 of this title.

§ 1473. Authorizing debt; limitation of total indebtedness

No law of any Territorial legislature shall authorize any debt to be contracted by or on behalf of such Territory except in the following cases: To meet a casual deficit in the revenues,

to pay the interest upon the Territorial debt, to suppress insurrections, or to provide for the public defense, except that in addition to any indebtedness created for such purposes, the legislature may authorize a loan for the erection of penal, charitable, or educational institutions for such Territory, if the final indebtedness of the Territory is not thereby made to exceed 1 per centum upon the assessed value of the taxable property in such Territory as shown by the last general assessment for taxation. And nothing in sections 1471 to 1473, 1475, 1478, or 1479 of this title shall be construed to prohibit the refunding of any existing indebtedness of such Territory or of any political or municipal corporation, county, or other subdivision therein.

(July 30, 1886, ch. 818, § 3, 24 Stat. 171.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1471, 1474, 1476, 1477 to 1479 of this title.

§ 1474. Creating new counties and locating county seats

Nothing in sections 1471 to 1473, 1475, 1478, or 1479 of this title shall be construed to prohibit the creation by Territorial legislatures of new counties and the location of the county seats thereof.

(July 19, 1888, ch. 679, § 2, 25 Stat. 336.)

§ 1475. Subscribing to stock of corporation

No Territory of the United States now or hereafter to be organized, or any political or municipal corporation or subdivision of any such Territory, shall make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

(July 30, 1886, ch. 818, § 2, 24 Stat. 171.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1472, 1473, 1474, 1476, 1477 to 1479 of this title.

§ 1476. Bonds of municipal corporations for sanitary purposes

The issuance of bonds by chartered municipal corporations having a bona fide population of not less than one thousand persons, as shown by the last school census taken before any election to be held under the provisions of this section, in any Territory of the United States, for sanitary and health purposes, the construction of sewers, waterworks, and the improvement of streets is permitted, authorized, and legalized. The limitations of sections 1471 to 1473, 1475, 1478, and 1479 of this title shall not apply to such municipal corporations: *Provided,* That before any bonds shall be issued the mayor and common council of said chartered municipal corporations shall cause an election to be held in such city or town, and the mayor and common council of such municipal corporation shall cause to be published, in a newspaper of general circulation published in such city or town, a notice of the time and place or places of holding such election. Such notice shall be given at least thirty days before such election. On the question of the issuance of said bonds no person shall be qualified to vote except he be in all respects a qualified elector and owner of real or personal property subject to taxation within the municipality. In case two-thirds of the qualified voters, as above described, shall vote affirmatively for the issuance of said bonds, then the mayor and common council shall issue the same, and not otherwise. Said bonds shall contain all necessary provisions as to form, and such municipality shall provide a proper sinking fund for the redemption of said bonds. Said bonds shall not bear a rate of interest exceeding 6 per centum per annum, and the interest shall be paid semiannually, and none of said bonds shall be sold at less than their par value.

(Mar. 4, 1898, ch. 35, 30 Stat. 252.)

§ 1477. Erection of city buildings and purchase of sites; use of bonds

The issurance of bonds by chartered municipal corporations having a bona fide population of not less than ten thousand persons, in any Territory of the United States, for erecting a city building and purchasing the ground for the same is permitted, authorized, and legalized. The limitations of sections 1471 to 1473, 1475, 1478, and 1479 of this title shall not apply to such municipal corporations: *Provided,* That before any bonds shall be issued the mayor and common council of such municipal corporation shall cause an election to be held in such city or town, and the mayor and common council of such municipal corporation shall cause to be published in a newspaper of general circulation published in said city or town a notice of the time and place or places of holding such election. Such notice shall be given not more than sixty nor less than thirty days before such election. On the question of the issuance of said bonds no person shall be qualified to vote except he be in all respects a qualified elector and owner of real or personal property subject to taxation within the municipality. In case two-thirds of the qualified voters, as above described, shall vote affirmatively for the issuance of said bonds, then the mayor and common council shall issue the same, and not otherwise. Said bonds shall contain all necessary provisions as to form, and such municipality shall provide a proper sinking fund for the redemption of said bonds. Said bonds shall not bear a rate of interest exceeding 5 per centum, and the interest shall be paid semi-annually, and none of said bonds shall be sold at less than their par value: *Provided further,* That no city under this section shall issue bonds in excess of $30,000.

(June 6, 1900, ch. 820, 31 Stat. 683.)

§ 1478. Power of Congress to annul laws of legislatures

Nothing in sections 1471 to 1473, 1475, 1478, and 1479 of this title contained shall be construed to abridge the power of Congress to annul any law passed by a Territorial legislature, or to modify any existing law of Congress

requiring in any case that the laws of any Territory shall be submitted to Congress.

(July 30, 1886, ch. 818, § 6, 24 Stat. 171.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1472, 1473, 1474, 1476, 1477, 1479 of this title.

§ 1479. Subsequent acts of legislatures in conflict with certain sections void

Except as otherwise provided by law all acts and parts of acts passed by any Territorial legislature subsequent to July 30, 1886, in conflict with the provisions of sections 1471 to 1473, 1475, 1478, and 1479 of this title shall be null and void.

(July 30, 1886, ch. 818, § 7, 24 Stat. 171.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1472, 1473, 1474, 1476, 1477, 1478 of this title.

§ 1480. Right of religious corporations to hold real estate

No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the Territorial government, of a greater value than $50,000; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section.

(R.S. § 1890.)

CODIFICATION

R.S. § 1890 is from act July 1, 1862, ch. 126, § 3, 12 Stat. 501.

CROSS REFERENCES

Religious corporations to hold only such real estate as is necessary for use of the congregations, see section 1480a of this title.

§ 1480a. Real estate necessary for use of congregations

All religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers in a Territory, only on the nomination of the authorities of such society, sect, or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation.

(Mar. 3, 1887, ch. 397, § 26, 24 Stat. 641.)

§ 1480b. Omitted

CODIFICATION

Section, act Sept. 22, 1950, ch. 986, 64 Stat. 905, which provided that sections 1480 and 1480a of this title shall not apply to the Territory of Alaska after September 22, 1950, was omitted from the Code as obsolete since Alaska was admitted into the Union as a State on Jan. 3, 1959.

§ 1481. Convicts; care and custody

The legislative assemblies of the several Territories of the United States may make such provision for the care and custody of such persons as may be convicted of crime under the laws of such Territory as they shall deem proper, and for that purpose may authorize and contract for the care and custody of such convicts in any other Territory or State, and provide that such person or persons may be sentenced to confinement accordingly in such other Territory or State, and all existing legislative enactments of any of the Territories for that purpose are legalized: *Provided*, That the expense of keeping such prisoners shall be borne by the respective Territories, and no part thereof shall be borne by the United States.

(June 16, 1880, ch. 235, 21 Stat. 277.)

§ 1482. Penitentiaries

Any penitentiary which has been, or may hereafter be, erected by the United States in an organized Territory shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States for the Territory or District in which such penitentiary is situated.

(R.S. § 1892.)

CODIFICATION

A further clause of R.S. § 1892, excepting therefrom the penitentiaries in Montana, Idaho, Wyoming, and Colorado, was superseded by the admission of those Territories into the Union as states, and has therefore been omitted.

R.S. § 1892 is from act Jan. 10, 1871, ch. 15, § 1, 16 Stat. 398.

§ 1483. Rules and regulations for governing penitentiaries

The Attorney General of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and his deputies for their services under such regulations shall be fixed by the Attorney General.

(R.S. § 1893.)

CODIFICATION

R.S. § 1893 is from act Jan. 10, 1871, ch. 15, § 2, 16 Stat. 398.

§ 1484. Expenses; subsistence and employment of offenders

The compensation as well as the expense incident to the subsistence and employment of offenders against the laws of the United States who have been, or may hereafter be, sentenced to imprisonment in such penitentiary, shall be chargeable on, and payable out of, the funds for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but nothing herein shall be construed to increase the maximum compensation allowed by law to those officers.

(R.S. § 1894.)

CODIFICATION

R.S. § 1894 is from act Jan. 10, 1871, ch. 15, § 2, 16 Stat. 398.

§ 1485. Imprisonment

Any person convicted by a court of competent jurisdiction in a Territory, for a violation of the laws thereof, and sentenced to imprisonment, may, at the cost of such Territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offense against the laws of the United States.

(R.S. § 1895.)

CODIFICATION

R.S. § 1895 is from act Jan. 10, 1871, ch. 15, § 3, 16 Stat. 398.

CROSS REFERENCES

Employment of prisoners, see section 4121 et seq. of Title 18, Crimes and Criminal Procedure.

§ 1486. Repealed. Pub. L. 87-826, § 3, Oct. 15, 1962, 76 Stat. 953

Section, acts Apr. 29, 1902, ch. 637, 32 Stat. 172; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; May 17, 1932, ch. 190, 47 Stat. 158; Proc. No. 2695 eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1097; Apr. 7, 1948, ch. 177, 62 Stat. 161, provided that the law as to clearance and entry of vessels was applicable to trade between the United States and noncontiguous Territories, etc.

EFFECTIVE DATE OF REPEAL

Repeal of section effective 180 days after Oct. 15, 1962.

§ 1487. Extraordinary sessions

No extraordinary session of the legislature of any Territory, wherever the same is now authorized by law, shall be called until the reasons for the same have been presented to the President of the United States, and his approval thereof has been duly given.

(June 22, 1874, ch. 388, 18 Stat. 135.)

§ 1488. Vacancy in office of justice of the peace

When from any cause there shall be a vacancy in the office of justice of the peace in any of the Territories of the United States, it shall be lawful to fill such vacancy by appointment or election, in such manner as has been or may be provided by the governor and legislative assembly of such Territory: *Provided*, That such appointee, or person elected to fill such vacancy, shall hold office only until his successor shall be regularly elected and qualified as provided by law.

(Apr. 16, 1880, ch. 56, 21 Stat. 74.)

§ 1489. Loss of title of United States to lands in territories through adverse possession or prescription forbidden

On and after March 27, 1934, no prescription or statute of limitations shall run, or continue to run, against the title of the United States to lands in any territory or possession or place or territory under the jurisdiction or control of the United States; and no title to any such lands of the United States or any right therein shall be acquired by adverse possession or prescription, or otherwise than by conveyance from the United States.

(Mar. 27, 1934, ch. 99, 48 Stat. 507; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

A former reference to the Philippine Islands was omitted as obsolete in view of the independence of the Philippines proclaimed by the President of the United States in Proc. No. 2695, set out under section 1394 of Title 22, Foreign Relations and Intercourse, and issued pursuant to section 1394.

§ 1490. Repealed. Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428

Section, R.S. § 1891, related to application of United States Constitution and laws to all the organized Territories and in every Territory subsequently organized. Insofar as the Territories of Alaska and Hawaii are concerned, it is covered by sections 23 and 495 of this title.

Act July 1, 1902, ch. 1369, § 1, 32 Stat. 691, which was also cited to the credit of this section, and which was not repealed by the act of Mar. 3, 1933, provided that this section should not apply to the Philippine Islands.

CHAPTER 11—ALIEN OWNERS OF LAND

Sec.
1501. Lands in Territories.
1502. Previously acquired lands; bona fide resident aliens; mining or incorporated village lands.
1503. Acquisition by inheritance, in collection of debts, etc.
1504. Conveyance of lands in territories by aliens before escheat proceedings.
1505. Proceedings for escheat of improperly held lands.
1506. Condemnation and sale of lands in escheat proceedings.
1507. Public lands.
1508. Application to District of Columbia.
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1510. Conveyance or other transfer of public lands in Hawaii to alien.
1511. Preference right to purchase of public lands in Hawaii to persons declaring intention to become citizens.
1512. Sale on agricultural land in Hawaii to persons declaring intention to become citizens.

§ 1501. Lands in Territories

No alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided. The prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer.

(Mar. 3, 1887, ch. 340, § 1, 24 Stat. 476; Mar. 2, 1897, ch. 363, 29 Stat. 618.)

CODIFICATION

Section was formerly classified to section 71 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 45-1501 of the District of Columbia Code.

§ 1502. Previously acquired lands; bona fide resident aliens; mining or incorporated village lands

This chapter shall not apply to land owned in any of the Territories of the United States by aliens, which was acquired on or before March 3, 1887, so long as it is held by the then owners, their heirs or legal representatives, nor to any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States. If any such resident alien shall cease to be a bona fide resident of the United States then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands. This chapter shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.

(Mar. 3, 1887, ch. 340, § 2, 24 Stat. 477; Mar. 2, 1897, ch. 363, 29 Stat. 618.)

CODIFICATION

Section was formerly classified to section 72 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 45-1501 of the District of Columbia Code.

§ 1503. Acquisition by inheritance, in collection of debts, etc.

This chapter shall not prevent aliens from acquiring lands or any interests therein by inheritance or in the ordinary course of justice in the collection of debts, nor from acquiring liens on real estate or any interest therein, nor from lending money and securing the same upon real estate or any interest therein; nor from enforcing any such lien, nor from acquiring and holding title to such real estate, or any interest therein, upon which a lien may have heretofore or may hereafter be fixed, or upon which a loan of money may have been heretofore or hereafter may be made and secured. All lands so acquired shall be sold within ten years after title shall be perfected in him under said sale or the same shall escheat to the United States and be forfeited as provided in sections 1504 to 1507 of this title.

(Mar. 3, 1887, ch. 340, § 3, 24 Stat. 477; Mar. 2, 1897, ch. 363, 29 Stat. 618.)

CODIFICATION

Section was formerly classified to section 73 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 45-1501 of the District of Columbia Code.

§ 1504. Conveyance of lands in territories by aliens before escheat proceedings

Any alien who shall hold lands in any of the Territories of the United States in contravention of the provisions of this chapter may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided. If any such conveyance shall be made by such alien, either to an alien or to a citizen of the United States, in trust and for the purpose and with the intention of evading the provisions of this chapter, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheat to the United States.

(Mar. 3, 1887, ch. 340, § 4, 24 Stat. 477; Mar. 2, 1897, ch. 363, 29 Stat. 618.)

CODIFICATION

Section was formerly classified to section 74 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1503 of this title.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 45-1501 of the District of Columbia Code.

§ 1505. Proceedings for escheat of improperly held lands

It shall be the duty of the Attorney General of the United States, when he shall be informed or have reason to believe that lands in any of the Territories of the United States are being held contrary to the provisions of this chapter, to institute or cause to be instituted suit in behalf of the United States in the district court of the Territory in the district where such land or a part thereof may be situated, praying for the escheat of the same on behalf of the United States to the United States. Before any such suit is instituted the Attorney General shall give or cause to be given ninety days' notice by registered letter of his intention to sue, or by personal notice directed to or delivered to the owner of said land, or the person who last rendered the same for taxation, or his agent, and to all other persons having an interest in such lands of which he may have actual or constructive notice. In the event personal notice cannot be obtained in some one of the modes above provided, then said notice shall be given by publication in some newspaper published in the county where the land is situate, and if no newspaper is published in said county then the said notice shall be published in some newspaper nearest said county.

(Mar. 3, 1887, ch. 340, § 5, as added Mar. 2, 1897, ch. 363, 29 Stat. 619.)

CODIFICATION

Section was formerly classified to section 75 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1503 of this title.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 45-1501 of the District of Columbia Code.

§ 1506. Condemnation and sale of lands in escheat proceedings

If it shall be determined upon the trial of any such escheat proceedings that the lands are held contrary to the provisions of this chapter, the court trying said cause shall render judgment condeming such lands and shall order the same to be sold as under execution; and the proceeds of such sale, after deducting costs of such suit, shall be paid to the clerk of such court so rendering judgment, and said fund shall remain in the hands of such clerk for one year from the date of such payment, subject to the order of the alien owner of such lands, or his heirs or legal representatives; and if not claimed within the period of one year, such clerk shall pay the same into the treasury of the Territory in which the lands may be situated, for the benefit of the available school fund of said Territory. The defendant in any such escheat proceedings may, at any time before final judgment, suggest and show to the court that he has conformed with the law, either becoming a bona fide resident of the United States, or by declaring his intention of becoming a citizen of the United States, or by the doing or happening of any other act which, under the provisions of this chapter, would entitle him to hold or own real estate, which being admitted or proved, such suit shall be dismissed on payment of costs and a reasonable attorney fee to be fixed by the court.

(Mar. 3, 1887, ch. 340, § 6, as added Mar. 2, 1897, ch. 363, 29 Stat. 619.)

CODIFICATION

Section was formerly classified to section 76 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 45-1501 of the District of Columbia Code.

§ 1507. Public lands

This chapter shall not in any manner be construed to authorize aliens to acquire title from the United States to any of the public lands of the United States or to in any manner affect or change the laws regulating the disposal of the public lands of the United States.

(Mar. 3, 1887, ch. 340, § 7, as added Mar. 2, 1897, ch. 363, 29 Stat. 619, and amended Feb. 23, 1905, ch. 733, § 1, 33 Stat. 733.)

CODIFICATION

Act Feb. 23, 1905, set out as section 1508 of this title, made sections 1501 to 1507 of this title applicable to the District of Columbia, on the basis of which certain provisions of this section were omitted.

Section was formerly classified to section 77 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 45-1501 of the District of Columbia Code.

§ 1508. Application to District of Columbia

Aliens shall have the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as are conferred upon aliens in respect of real estate in the Territories of the United States by this chapter.

(Feb. 23, 1905, ch. 733, § 1, 33 Stat. 733.)

CODIFICATION

Section was formerly classified to section 78 of Title 8, Aliens and Nationality.

Section was not enacted as part of act Mar. 3, 1887, ch. 340, 24 Stat. 476, which comprises this chapter.

Section is also set out as section 45-1501 of the District of Columbia Code.

REPEALS

Section 2 of act Feb. 23, 1905, repealed all laws and parts of laws so far as they conflict with the provisions of this section.

CROSS REFERENCES

Judicial proceedings for declaration of nationality in event of denial of rights, see section 1503 of Title 8, Aliens and Nationality.

§ 1509. Public lands in Hawaii; right to acquire in general

No person, including individual, partnership, corporation, and association, who is an alien, shall be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement in public lands in Hawaii, unless he has declared his intention to become a citizen of the United States as provided by law. No person who has so declared his intention, and taken and held under any such certificate, lease, or agreement, shall continue to hold, or become entitled to a homestead lease or patent to the land, unless he becomes a citizen within five years after so taking.

(Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 304, 42 Stat. 117.)

CODIFICATION

Section was formerly classified to section 83 of Title 8, Aliens and Nationality.

Section was not enacted as part of act Mar. 3, 1887, ch. 340, 24 Stat. 476, which comprises this chapter.

§ 1510. Conveyance or other transfer of public lands in Hawaii to alien

No public land in Hawaii for which any certificate of occupation, right of purchase lease, or cash freehold or special homestead agreement is issued or any part thereof, or interest therein or control thereof, shall, without the written consent of the Commissioner of Public Lands of the Territory of Hawaii, and governor, thereafter, whether before or after a homestead lease or patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased, or otherwise, transferred to, or acquired or held by, or for the benefit of any alien. The prohibitions of this section shall not apply to transfers or acquisitions by inheritance or between tenants in common.

(Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 304, 42 Stat. 117.)

CODIFICATION

Section was formerly classified to section 84 of Title 8, Aliens and Nationality.

Section was not enacted as part of act Mar. 3, 1887, ch. 340, 24 Stat. 476, which comprises this chapter.

HAWAII STATEHOOD

Territory of Hawaii was admitted into the Union as a State on August 21, 1959, upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4.

§ 1511. Preference right to purchase of public lands in Hawaii to persons declaring intention to become citizens

The Commissioner of Public Lands of the Territory of Hawaii, with the approval of the governor, may give to any person who has legally declared his intention to become a citizen of the United States, and thereafter becomes such, and who has, or whose predecessors in interest have improved any parcel of public lands and resided thereon continuously for the ten years next preceding the application to purchase, a preference right to purchase so much of such parcels and such adjoining land as may reasonably be required for a home, at a fair price to be determined by three disinterested citizens to be appointed by the governor. In the determination of such purchase price, the commissioner may, if he deems it just and reasonable, disregard the value of the improvements on such parcel and adjoining land. If such parcel of public lands is reserved for public purposes, either for the use of the United States or the Territory of Hawaii, the commissioner may, with the approval of the governor, grant to such person a preference right to purchase public lands which are of similar character, value, and area, and which are situated in the same land district. The privilege granted by this section shall not extend to any original lessee or to an assignee of an entire lease of public lands.

(Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 306, 42 Stat. 118.)

CODIFICATION

Section was formerly classified to section 85 of Title 8, Aliens and Nationality.

Section was not enacted as part of act Mar. 3, 1887, ch. 340, 24 Stat. 476, which comprises this chapter.

HAWAII STATEHOOD

Territory of Hawaii was admitted into the Union as a State on August 21, 1959, upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4.

§ 1512. Sale of agricultural land in Hawaii to persons declaring intention to become citizens

The Commissioner of Public Lands of the Territory of Hawaii shall, with the approval of the board of public lands, sell to any person who has legally declared his intention to become a citizen of the United States, for residence purposes lots and tracts of agricultural lands, not exceeding three acres in area.

(Apr. 30, 1900, ch. 339, § 73, 31 Stat. 154; May 27, 1910, ch. 258, § 5, 36 Stat. 444; July 9, 1921, ch. 42, § 308, 42 Stat. 118.)

CODIFICATION

Section was formerly classified to section 86 of Title 8, Aliens and Nationality.

Section was not enacted as part of act Mar. 3, 1887, ch. 340, 24 Stat. 476, which comprises this chapter.

HAWAII STATEHOOD

Territory of Hawaii was admitted into the Union as a State on August 21, 1959, upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4.

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CONSTITUTIONS FOR VIRGIN ISLANDS AND GUAM: ESTABLISHMENT; CONGRESSIONAL AUTHORIZATION

Pub. L. 94-584, Oct. 21, 1976, 90 Stat. 2899, provided: "[Section 1. Authorization to organize governments] That the Congress, recognizing the basic democratic principle of government by the consent of the governed, authorizes the peoples of the Virgin Islands and

of Guam, respectively, to organize governments pursuant to constitutions of their own adoption as provided in this Act.

"Sec. 2. [Constitutional conventions and draft provisions] (a) The Legislatures of the Virgin Islands and Guam, respectively, are authorized to call constitutional conventions to draft, within the existing territorial-Federal relationship, constitutions for the local self-government of the people of the Virgin Islands and Guam.

"(b) Such constitutions shall—

"(1) recognize, and be consistent with, the sovereignty of the United States over the Virgin Islands and Guam, respectively, and the supremacy of the provisions of the Constitution, treaties, and laws of the United States applicable to the Virgin Islands and Guam, respectively, including, but not limited to, those provisions of the Organic Act [section 1405 et seq. of this title] and Revised Organic Act of the Virgin Islands [this chapter] and the Organic Act of Guam [section 1421 et seq. of this title] which do not relate to local self-government.

"(2) provide for a republican form of government, consisting of three branches: executive, legislative, and judicial;

"(3) contain a bill of rights;

"(4) deal with the subject matter of those provisions of the Revised Organic Act of the Virgin Islands of 1954, as amended, and the Organic Act of Guam, as amended, respectively, which relate to local self-government;

"(5) with reference to Guam, provided that the voting franchise may be vested only in residents of Guam who are citizens of the United States;

"(6) provide for a system of local courts consistent with the provisions of the Revised Organic Act of the Virgin Islands, as amended; and

"(7) provide for the establishment of a system of local courts the provisions of which shall become effective no sooner than upon the enactment of legislation regulating the relationship between the local courts of Guam with the Federal judicial system.

"Sec. 3. [Selection and qualification of members] The members of such constitutional conventions shall be chosen as provided by the laws of the Virgin Islands and Guam, respectively (enacted after the date of enactment of this Act [Oct. 21, 1976]): *Provided, however,* That no person shall be eligible to be a member of the constitutional conventions, unless he is a citizen of the United States and qualified to vote in the Virgin Islands and Guam, respectively.

"Sec. 4. [Submittal of proposed constitutions to governors and President] The conventions shall submit to the Governor of the Virgin Islands a proposed constitution for the Virgin Islands and to the Governor of Guam a proposed constitution for Guam which shall comply with the requirements set forth in section 2(b) above. Such constitutions shall be submitted to the President of the United States by the Governors of the Virgin Islands and Guam.

"Sec. 5. [Transmittal to Congress and submittal to voters] Within sixty calendar days after the respective date on which he has received each constitution, the President shall transmit such constitution together with his comments to the Congress. The constitution, in each case, shall be deemed to have been approved by the Congress within sixty days after its submission by the President, unless prior to that date the Congress has approved the constitution, or modified or amended it, in whole or in part, by joint resolution. As so approved or modified, the constitutions shall be submitted to the qualified voters of the Virgin Islands and Guam, respectively, for acceptance or rejection through islandwide referendums to be conducted as provided under the laws of the Virgin Islands and Guam, respectively, (enacted after the date of enactment of this Act [Oct. 21, 1976]). Upon approval by not less than a majority of the voters (counting only the affirmative or negative votes) participating in such referendums, the constitutions shall become effective in accordance with their terms."

SUBCHAPTER I—GENERAL PROVISIONS

§ 1541. Organization and status

(a) Composition and territorial designation

The provisions of this chapter and the name "Virgin Islands" as used in this chapter, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are declared an unincorporated territory of the United States of America.

(b) Powers and legal status of government; capital and seat of government

The government of the Virgin Islands shall have the powers set forth in this chapter and shall have the right to sue by such name and in cases arising out of contract, to be sued: *Provided,* That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by subchapter III of this chapter.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

(c) Administrative supervision by Secretary of the Interior

The relations between such government and the Federal Government in all matters not the program responsibility of another Federal department or agency shall be under the general administrative supervision of the Secretary of the Interior.

(July 22, 1954, ch. 558, § 2, 68 Stat. 497; Aug. 23, 1968, Pub. L. 90-496, § 13, 82 Stat. 842.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), read in the original, this Act, meaning act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which enacted this chapter, amended sections 104 and 111 of Title 21, Food and Drugs, and section 3350 of former Title 26, Internal Revenue Code (now covered by section 7652(b)(3) of Title 26, Internal Revenue Code), and enacted provisions set out as notes under this section. For complete classification of this Act to the Code, see Short Title note set out below and Tables volume.

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-496 added subsec. (c).

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective on Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as an Effective Date of 1968 Amendment note under section 1591 of this title.

EFFECTIVE DATE

Section 34 of act July 22, 1954 provided: "This Act [see Short Title note below] shall take effect upon its approval [July 22, 1954], but until its provisions shall

severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment [July 22, 1954]."

SHORT TITLE OF 1968 AMENDMENT

Section 17 of Pub. L. 90-496 provided that: "This Act [which enacted section 336 of Title 10, Armed Forces, amended sections 1541, 1561, 1572, 1573, 1574, 1575, 1591, 1593, 1595, 1597, 1599, and 1641 of this title, repealed sections 1594, 1596, and 1632 of this title, and enacted provisions set out as a note under section 1591 of this title] may be cited as the 'Virgin Islands Elective Governor Act'."

SHORT TITLE OF 1959 AMENDMENT

Pub. L. 86-289, § 1, Sept. 16, 1959, 73 Stat. 568, provided that the Act, which amended sections 1573, 1597, and 1617 of this title, should be known as the "Virgin Islands Organic Act Amendments of 1959".

SHORT TITLE

Section 1 of act July 22, 1954 provided that: "This Act [enacting this chapter, amending sections 104 and 111 of Title 21, Food and Drugs, and sections 3350 of former Title 26, Internal Revenue Code (now covered by section 7652(b)(3) of Title 26, Internal Revenue Code), and enacting provisions set out as notes under this section] may be cited as the 'Revised Organic Act of the Virgin Islands'."

SEPARABILITY OF PROVISIONS

Section 36 of act July 22, 1954, provided: "If any clause, sentence, paragraph, or part of this Act [see Short Title note above], or the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby."

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of the Virgin Islands, see section 1701 et seq. of this title.

§ 1542. Voting franchise; discrimination prohibited

(a) The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however,* That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

(b) The legislature shall have authority to enact legislation establishing the voting age for residents of the Virgin Islands at an age not lower than eighteen years of age, if a majority of the qualified voters in the Virgin Islands approve in a referendum election held for that purpose.

(July 22, 1954, ch. 558, § 4, 68 Stat. 498; Oct. 16, 1970, Pub. L. 91-460, 84 Stat. 978.)

AMENDMENTS

1970—Pub. L. 91-460 designated existing provisions as subsec. (a) and added subsec. (b).

§ 1543. United States citizenship requirement of government officials; loyalty statement

All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this Act, then within sixty days of the effective date thereof, make a written statement in the following form:

"I, ————————, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of ———————— with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

(July 22, 1954, ch. 558, § 29, 68 Stat. 509.)

REFERENCES IN TEXT

Words "effective date of this Act", referred to in the text, refer to effective date of act July 22, 1954. For effective date of that act, see Effective Date note under section 1541 of this title.

§ 1544. Reports by Governor; jurisdiction of Secretary of Interior; exceptions

All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on July 22, 1954 are under the supervision of the Director of the Administrative Office of the United States Courts, and the matters relating to the United States Attorney and the United States Marshal which on July 22, 1954 are under the supervision of the Attorney General.

(July 22, 1954, ch. 558, § 30, 68 Stat. 509.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1591 of this title.

§ 1545. Lease and sale of public property; conveyance of title in certain lands to the government of Virgin Islands

(a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United

States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b) All right, title, and interest of the United States in the property placed under the control of the government of the Virgin Islands by section 1405c(a) of this title, not reserved to the United States by the Secretary of the Interior within one hundred and twenty days after October 5, 1974, is hereby conveyed to such government. The conveyance effected by the preceding sentence shall not apply to that land and other property which on October 5, 1974, is administered by the Secretary of the Interior as part of the National Park System and such lands and other property shall be retained by the United States.

(July 22, 1954, ch. 558, § 31, 68 Stat. 510; Oct. 5, 1974, Pub. L. 93-435, § 3, 88 Stat. 1211.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93-435 substituted provisions conveying to the Government of Virgin Islands title in lands now under its control with power to the Secretary of the Interior to reserve rights to the United States within 120 days after Oct. 5, 1974, with the exception of land and property being administered by the Secretary of the Interior as part of the National Park System, for provisions that the Government of Virgin Islands shall continue to have control over all public property under its control on July 22, 1954.

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of the Virgin Islands, see section 1701 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1707, 1708 of this title.

§ 1546. Authorization of appropriations

There are authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this chapter.

(July 22, 1954, ch. 558, § 35, 68 Stat. 510.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original, this Act, meaning act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables volume.

SUBCHAPTER II—BILL OF RIGHTS

§ 1561. Rights and prohibitions

No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy, and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assembly[1] and petition the government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.

No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

No money shall be paid out of the Virgin Islands treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this chapter shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

No political or religious test other than an oath to support the Constitution and the laws

[1] So in original. Probably should read "assemble".

of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the Government of the Virgin Islands.

The following provisions of and amendments to the Constitution of the United States are hereby extended to the Virgin Islands to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments: *Provided, however,* That all offenses shall continue to be prosecuted in the district court by information as heretofore, except such as may be required by local law to be prosecuted by indictment by grand jury.

All laws enacted by Congress with respect to the Virgin Islands and all laws enacted by the territorial legislature of the Virgin Islands which are inconsistent with the provisions of this subsection[1] are repealed to the extent of such inconsistency.

(July 22, 1954, ch. 558, § 3, 68 Stat. 497; Aug. 28, 1958, Pub. L. 85-851, § 1, 72 Stat. 1094; Aug. 23, 1968, Pub. L. 90-496, § 11, 82 Stat. 841.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original, this Act, meaning act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables volume.

AMENDMENTS

1968—Pub. L. 90-496 added provisions extending to the Virgin Islands the enumerated provisions of and amendments to the Constitution of the United States, and provisions repealing, to the extent of any inconsistency, all laws enacted by Congress with respect to the Virgin Islands and all laws enacted by the territorial legislature of the Virgin Islands which are inconsistent with the provisions of this section.

1958—Pub. L. 85-851 prohibited political or religious test but required loyalty oath as qualification to any office or public trust.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 11 of Pub. L. 90-496 provided in part that the amendment by Pub. L. 90-496 shall be effective on the date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

SUBCHAPTER III—LEGISLATIVE BRANCH

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1541 of this title.

§ 1571. Legislature

(a) Designation and unicameral character

The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands", herein referred to as the legislature.

(b) Composition; legislative districts; method of elections

The legislature shall be composed of fifteen members to be known as senators. The apportionment of the legislature shall be as provided by the laws of the Virgin Islands: *Provided,* That such apportionment shall not deny to any person in the Virgin Islands the equal protection of the law: *And provided further,* That every voter in any district election or at large election shall be permitted to vote for the whole number of persons to be elected in that district election or at large election as the case may be. Until the legislature shall provide otherwise, four members shall be elected at large, five shall be elected from the District of Saint Thomas, five from the District of Saint Croix, and one from the District of Saint John, as those Districts were constituted on July 22, 1954.

(July 22, 1954, ch. 558, § 5, 68 Stat. 498; Aug. 30, 1966, Pub. L. 89-548, § 1, 80 Stat. 371.)

AMENDMENTS

1966—Subsec. (b). Pub. L. 89-548 raised from eleven to fifteen the total number of senators in the legislature, substituted provision that the legislature be apportioned according to the laws of the Virgin Islands for provisions spelling out the division of the Virgin Islands into districts, the composition of each such district, and the district and at-large representation breakdown of the senators in the legislature, struck out provision for the casting of a ballot for two candidates by each elector in at-large elections and the drawing of lots to determine placement on the ballot in at-large elections, prohibited apportionment in a way which would deny equal protection of the law, and provided for temporary apportionment until the legislature provided otherwise from the districts as constituted on July 22, 1954.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 2 of Pub. L. 89-548 provided that: "This Act [amending subsec. (b) of this section] shall be effective with respect to the legislature to be elected at the regular general election in November 1966, and thereafter."

§ 1572. Legislators

(a) Terms of office

The term of office of each member of the legislature shall be two years. The term of office of each member shall conmmence on the second Monday in January following his election: *Provided, however,* That the term of office of each member elected in November 1958 shall commence on the second Monday in April 1959 and shall continue until the second Monday in April 1961, and the term of office of each member elected in November 1960 shall commence on the second Monday in April 1961 and continue until the second Monday in January 1963.

(b) Qualifications of members

No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-one years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his elec-

[1] So in original. Probably should be "section".

tion, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) Appointment of electoral officers; popular election of members of boards of election

All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct: *Provided, however,* That members of boards of elections, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.

(d) Immunity of members

No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) Compensation and allowances

Each member of the legislature shall be paid such compensation and shall receive such additional allowances or benefits as may be fixed under the laws of the Virgin Islands. Such compensation, allowances, or benefits, together with all other legislative expenses, shall be appropriated by, and paid out of funds of, the government of the Virgin Islands.

(f) Limitations on holding other office

No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term.

(g) General powers; parliamentary rules

The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes, inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpena to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on July 22, 1954 shall continue in force and effect for sessions of the legislature, except as inconsistent with this chapter, until altered, amended, or repealed by the legislature.

(h) Vacancies

The Legislature of the Virgin Islands shall by law provide the procedure for filling any vacancy in the office of member of the legislature.

(July 22, 1954, ch. 558, § 6, 68 Stat. 499; Sept. 16, 1959, Pub. L. 86-289, § 2(a), (b), 73 Stat. 568; July 30, 1965, Pub. L. 89-98, 79 Stat. 423; Aug. 23, 1968, Pub. L. 90-496, § 8(b), 82 Stat. 839; Aug. 17, 1972, Pub. L. 92-389, 86 Stat. 563; Oct. 19, 1973, Pub. L. 93-130, § 1, 87 Stat. 460.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (g), read in the original, this Act, meaning act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables volume.

AMENDMENTS

1973—Subsec. (h). Pub. L. 93-130 substituted provision authorizing the Legislature of Virgin Islands to provide by law the procedure for filling vacancies in the membership of the Legislature, for provisions authorizing the Governor of the Virgin Islands to fill any such vacancy by appointment of resident of the district from which the member whose office became vacant was elected if the vacancy is that of a Senator and of resident of any part of Virgin Islands if the vacancy is that of a Senator at large, and that such appointee shall serve for the remainder of the unexpired term.

1972—Subsec. (b). Pub. L. 92-389 reduced the age qualification for membership of legislature from twenty-five years to twenty-one years.

1968—Subsec. (c). Pub. L. 90-496 added proviso requiring members of boards of elections, duly organized by the government, to be popularly elected.

1965—Subsec. (e). Pub. L. 89-98 substituted provisions empowering the government of the Virgin Islands to fix and pay legislative salaries and expenses for provisions which specifically fixed these salaries and expenses and which required the United States Government to pay them.

1959—Subsec. (a). Pub. L. 86-289, § 2(a), substituted, in second sentence thereof, "January" for "April", preceding the words "following his election", and substituted, in proviso thereof, "1958" for "1954", "April 1959" for "January 1955", and "1961, and the term of office of each member elected in November 1960 shall commence on the second Monday in April 1961 and continue until the second Monday in January 1963" for "1957".

Subsec. (e). Pub. L. 86-289, § 2(b), changed the date of payment of salaries, increased the per diem from $10 to $20, and provided that the per diem paid to members of the legislature for official travel outside the Virgin Islands should not be at rates in excess of those paid Federal Government employees.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 2 of Pub. L. 93-130 provided that: "The amendment made by the first section of this Act [amending this section] shall apply with respect to vacancies occurring on or after the date of enactment of this Act [Oct. 19, 1973]."

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective on Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as an Effective Date of 1968 Amendment note under section 1591 of this title.

§ 1573. Time, frequency, and duration of regular sessions; special sessions; place of holding

(a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when in his opinion the public interest may require it. No legislation shall be considered at any special session other

than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.

(July 22, 1954, ch. 558, § 7, 68 Stat. 500; Sept. 16, 1959, Pub. L. 86-289, § 2(c), 73 Stat. 569; Aug. 23, 1968, Pub. L. 90-496, § 1, 82 Stat. 837.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-496 substituted provisions that regular sessions of the legislature shall continue for such term as the legislature may provide for provisions that regular sessions shall continue for not more than sixty consecutive calendar days in any calendar year, with the proviso that the regular annual session for 1959, 1960, and 1961 shall commence on the second Monday in April and shall continue for not more than sixty consecutive calendar days, struck out provisions that any special session called by the Governor shall continue for not more than fifteen calendar days, with the aggregate of any such special sessions during any calendar year not to exceed thirty calendar days, and added provision opening to the public all sessions of the legislature.

1959—Subsec. (a). Pub. L. 86-289 substituted, in first sentence thereof, "January (unless the legislature shall by law fix a different date)" for "April", and substituted "regular annual session for each of the years 1959, 1960, and 1961, respectively, shall commence on the second Monday in April" for "annual session for 1955 shall commence on the second Monday in January 1955".

EFFECTIVE DATE OF 1968 AMENDMENT

Section 1 of Pub. L. 90-496 provided in part that the amendment by Pub. L. 90-496 shall be effective on the date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

§ 1574. Legislative powers and activities

(a) Scope of authority; limitation on enactments and taxation

The legislative authority and power of the Virgin Islands shall extend to all rightful subjects of legislation not inconsistent with this chapter or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents.

(b) Government bonds; maximum amount; sale, interest, etc.

(i) The legislature of the government of the Virgin Islands may cause to be issued on behalf of said government bonds or other obligations for a public improvement or public undertaking authorized by an act of the legislature. Such bonds or obligations shall be payable solely from the revenues directly derived from and attributable to such public improvement, public undertaking, or other project. Bonds issued pursuant to paragraph (i) may bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner as shall be prescribed by the government of the Virgin Islands. Said bonds shall be sold at public sale and may be redeemable (either with or without premium) or nonredeemable. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed that specified by the legislature, payable semiannually. All such bonds issued by the government of the Virgin Islands or by its authority shall be exempt as to principal and interest from taxation by the Government of the United States, or by the government of the Virgin Islands, or by any State, Territory, or possession or by any political subdivision of any State, Territory or possession, or by the District of Columbia. Such bonds shall under no circumstances constitute a general obligation of the Virgin Islands or of the United States.

(ii)(A) Subject to the provisions of this paragraph (ii), the legislature of the government of the Virgin Islands may cause to be issued such negotiable general obligation bonds or other evidence of indebtedness as it may deem necessary and advisable to construct, improve, extend, better, repair, reconstruct, acquire, and equip hospitals, schools, libraries, gymnasia, athletic fields, sewers, sewage-disposal plants, and water systems: *Provided*, That no public indebtedness of the Virgin Islands shall be incurred in excess of 10 per centum of the aggregate assessed valuation of the taxable real property in the Virgin Islands. Bonds issued pursuant to this paragraph (ii) shall bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner, as shall be prescribed by the legislature of the government of the Virgin Islands. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed that specified by the legislature and payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest. All bonds issued by the government of the Virgin Islands, including specifically interest thereon, shall be exempt from taxation by the Government of the United States, or by the government of the Virgin Islands or any political subdivision thereof, or by any State, territory, or possession or by any political subdivision of any State, territory, or possession, or by the District of Columbia.

(B) The proceeds of the bond issues or other obligations herein authorized shall be expended only for the public improvements set forth in the preceding subparagraph, or for the reduction of the debt created by such bond issue or obligation, unless otherwise authorized by the Congress.

(C) Bonds or other obligations issued pursuant to this paragraph (ii) shall not be a debt of the United States, nor shall the United States be liable thereon.

(c) Applicability of laws and ordinances; amendment or repeal

The laws of the United States applicable to the Virgin Islands on July 22, 1954, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands, or any part thereof, on July 22, 1954 shall, to the extent they are not inconsistent with this chapter, continue in force and effect until otherwise provided by the Congress: *Provided*, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this chapter, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this chapter, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such Act of the legislature.

(d) Omitted

(e) Code of laws

The Secretary of the Interior shall arrange for the preparation, at Federal expense, of a code of laws of the Virgin Islands, to be entitled the "Virgin Islands Code", which shall be a consolidation, codification and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it shall be printed, at Federal expense, by the Government Printing Office as a public document.

(July 22, 1954, ch. 558, § 8, 68 Stat. 500; Aug. 28, 1958, Pub. L. 85-851, §§ 2, 3, 10, 72 Stat. 1094, 1095; Nov. 19, 1963, Pub. L. 88-180, 77 Stat. 335; Oct. 12, 1966, Pub. L. 89-643, 80 Stat. 890; Aug. 23, 1968, Pub. L. 90-496, § 15, 82 Stat. 842.)

REFERENCES IN TEXT

This chapter, referred to in subsecs (a) and (c), read in the original, this Act, meaning act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables volume.

Act of June 22, 1936 (49 Stat. 1807), referred to in subsec. (c), is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified generally to subchapter II (§ 1405 et seq.) of chapter 8 of this title. For complete classification of this Act to the Code, see section 1406m of this title and Tables volume.

CODIFICATION

Subsec. (d), which authorized the President of the United States to appoint a commission of seven persons, at least three of which were residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to Congress within twelve months after July 22, 1954 as to which statutes of the United States not applicable to the Virgin Islands on that date should be made applicable to the Virgin Islands and which statutes of the United States applicable to the Virgin Islands on that date should be declared inapplicable and which provided compensation of this commission, was omitted from the Code as executed.

AMENDMENTS

1968—Subsec. (b)(i). Pub. L. 90-496 struck out the provisions that the total amount of revenue bonds which may be issued and outstanding for all improvements and undertakings at any one time shall not be in excess of $30,000,000, exclusive of all bonds and undertakings held by the United States as a result of a sale of real or personal property to the government of the Virgin Islands, and with not more than $10,000,000 of such bonds or obligations to be outstanding at any one time for public improvements or public undertakings other than water or power projects, and substituted provisions that the bonds so issued shall bear interest at a rate not to exceed that specified by the legislature, payable semiannually, for provisions that the bonds so issued shall bear interest at a rate not to exceed 5% per annum, payable semiannually, and that all such bonds shall be sold for not less than the principal amount thereof plus accrued interest.

1966—Subsec. (b)(i). Pub. L. 89-643 increased the borrowing authority of the Virgin Islands by striking out limiting provisions so as to require only that the object of a bond issue be a public improvement or undertaking authorized by the legislature as opposed to previous requirement of a legislative authorization for specific improvements and legislative findings of need, substituted provisions authorizing the issuance of bonds that are nonredeemable or redeemable (either with or without premium) for provisions requiring that bonds be redeemable after five years without premium, raised the limitation on total amount of outstanding bonds from a flat limitation of $10,000,000 to $30,000,000 exclusive of all bonds or obligations which are held by the Government of the United States as a result of a sale of real or personal property to the government of the Virgin Islands, and added requirement that not to exceed $10,000,000 of the bonds or obligations may be outstanding at any one time for public improvement or public undertakings other than water or power projects.

1963—Subsec. (b). Pub. L. 88-180 redesignated existing provisions as paragraph (i), deleted "The legislature shall have no power to incur any indebtedness which may be a general obligation of said government" therefrom, and added paragraph (ii).

1958—Subsec. (a). Pub. L. 85-851, § 2, substituted "rightful subjects of legislation" for "subjects of local application".

Subsec. (b). Pub. L. 85-851, § 10, authorized issuance of bonds for establishment, construction, operation, maintenance, reconstruction, improvement, or enlargement of other projects and payment of the bonds from revenues derived from the projects.

Subsec. (e). Pub. L. 85-851, § 3, struck out following "Upon the enactment of the Virgin Islands Code it" the words "and any supplements to it".

EFFECTIVE DATE OF 1968 AMENDMENT

Section 15 of Pub. L. 90-496 provided in part that the amendment by Pub. L. 90-496 shall be effective on the date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1574a of this title.

§ 1574a. Revenue bonds or other obligations

(a) Authorization for issuance; use of proceeds; legislative initiative and binding referendum vote

In addition to the authority conferred by section 1574(b) of this title, the legislature of the government of the Virgin Islands is authorized to cause to be issued bonds or other obligations of such government in anticipation of revenues to be received under section 7652(b)(3) of title 26. The proceeds of such bonds or other obligations may be used for any purpose authorized by an act of the legislature. The legislature of the government of the Virgin Islands may initiate, by majority vote of the members, a binding referendum vote to approve or disapprove the amount of any such bond or other obligation and/or any purpose for which such bond or other obligation is authorized.

(b) Federal guarantee

The legislature of the government of the Virgin Islands may provide, in connection with any issue of bonds or other obligations authorized to be issued under subsection (a) of this section the proceeds of which are to be used for public works or other capital projects, that a guarantee of such bonds or obligations by the United States should be applied for under section 1574b of this title.

(c) Limitations on issuance

Except to the extent inconsistent with the provisions of this Act, the provisions of section 1574(b)(ii) of this title (other than the limitation contained in the proviso to the first sentence of subparagraph (A)) shall apply to bonds and other obligations authorized to be issued under subsection (a) of this section.

(Pub. L. 94-392, § 1, Aug. 19, 1976, 90 Stat. 1193.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 94-392, Aug. 19, 1976, 90 Stat. 1193, which enacted this section and sections 1574b to 1574d of this title, amended section 1397 of this title, and enacted a provision set out as a note below. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

In subsec. (a), "section 7652(b)(3) of title 26" was substituted for "section 28(b) of such Act (26 U.S.C. 7652)", meaning section 28(b) of the Revised Organic Act of the Virgin Islands, which was classified to section 3350(c) of former Title 26, Internal Revenue Code, on authority of section 7852(b) of Title 26, Internal Revenue Code, which provided that any reference in any other law to a provision of the Internal Revenue Code of 1939 shall be deemed a reference to the corresponding provision of the Internal Revenue Code of 1954.

Section was not enacted as part of act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which comprises this chapter.

AUTHORIZATION OF APPROPRIATIONS

Section 6 of Pub. L. 94-392 provided that: "There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [which enacted sections 1574a to 1574d of this title and amended section 1397 of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1574b, 1574c of this title.

§ 1574b. Federal guarantee for issuance of revenue bonds or other obligations

(a) Application to Secretary of the Interior; contents

When authorized under subsection (b) of section 1574a of this title, the government of the Virgin Islands may apply to the Secretary of the Interior (hereinafter referred to as the "Secretary") for a guarantee of any issue of bonds or other obligations authorized to be issued under subsection (a) of section 1574a of this title. Any such application shall contain such information as the Secretary may prescribe.

(b) Terms and conditions of guarantee or commitment to guarantee; determination by the Secretary of approval

The Secretary is authorized, with the approval of the Secretary of the Treasury, to guarantee and to enter into commitments to guarantee, upon such terms and conditions as he may prescribe, payment of principal and interest on bonds and other obligations issued by the government of the Virgin Islands under subsection (a) of section 1574a of this title. No guarantee or commitment to guarantee shall be made unless the Secretary determines—

(1) that the proceeds of such issue will be used only for public works or other capital projects;

(2) taking into account anticipated expenditures by the government of the Virgin Islands while the bonds or other obligations forming a part of such issue will be outstanding, all outstanding obligations of the government of the Virgin Islands which will mature while the bonds or other obligations forming a part of such issue will be outstanding, and such other factors as he deems pertinent, that the revenues expected to be received under section 7652(b)(3) of title 26 will be sufficient to pay the principal of, and interest on, the bonds or other obligations forming a part of such issue;

(3) that credit is not otherwise available on reasonable terms and conditions and that there is reasonable assurance of repayment, and

(4) that the maturity of any obligations to be guaranteed does not exceed thirty years or 90 per centum of the useful life of the physical assets to be financed by the obligation, whichever is less as determined by the Secretary.

(c) Administrative costs; deposit of fees

The Secretary shall charge and collect fees in amounts sufficient in his judgment to cover the costs of administering this section. Fees collected under this subsection shall be deposited in the revolving fund created under subsection (g) of this section.

(d) Conclusiveness and incontestability; pledge of full faith and credit

Any guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligation for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresenta-

tion, in the hands of the holder of the guaranteed obligation. Such guarantee shall constitute a pledge of the full faith and credit of the United States for such obligation.

(e) Interest on guaranteed obligations taxable

The interest on any obligation guaranteed under this section shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954 [26 U.S.C. 1 et seq.].

(f) Maximum amount guaranteed; time limitation on guarantee commitments

The aggregate principal amount of obligations which may be guaranteed under this Act shall not exceed $61,000,000. No commitment to guarantee shall be entered into under this Act after October 1, 1979.

(g) Revolving fund; establishment; submission of budget to Congress; payments; transfers from fund to general fund of Treasury; issuance and sale of notes or other obligations for guarantees

(1) There is hereby created within the Treasury a separate fund (hereinafter referred to as "the fund") which shall be available to the Secretary without fiscal year limitation as revolving fund for the purpose of this Act. A business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 847, 848, and 849 of title 31) for wholly owned Government corporations.

(2) All expenses, including reimbursements to other government accounts, and payments pursuant to operations of the Secretary under this Act shall be paid from the fund. If at any time the Secretary determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

(3) If at any time the moneys available in the fund are insufficient to enable the Secretary to discharge his responsibilities under guarantees under this Act, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations which are hereby authorized for this purpose. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall not be less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(Pub. L. 94-392, § 2, Aug. 19, 1976, 90 Stat. 1193.)

REFERENCES IN TEXT

Chapter 1 of the Internal Revenue Code of 1954, referred to in subsec. (e), means chapter 1 (§ 1 et seq.) of Title 26, Internal Revenue Code.

This Act, referred to in subsecs. (f) and (g), is Pub. L. 94-392, Aug. 19, 1976, 90 Stat. 1193, which enacted this section and sections 1574a, 1574c, and 1574d of this title, amended section 1397 of this title, and enacted a provision set out as a note under section 1574a of this title. For complete classification of this Act to the Code, see Tables volume.

The Second Liberty Bond Act, referred to in subsec. (g)(3), is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended. For complete classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

CODIFICATION

In subsec. (b)(2), "section 7652(b)(3) of title 26" was substituted for "section 28(b) of the Revised Organic Act of the Virgin Islands", which was classified to section 3350(c) of former Title 26, Internal Revenue Code, on authority of section 7852(b) of Title 26, Internal Revenue Code, which provided that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provision of the Internal Revenue Code of 1954.

Section was not enacted as part of act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1574a, 1574c of this title.

§ 1574c. Priority for payment of principal and interest of revenue bonds or other obligations

Each issue of bonds or other obligations issued under subsection (a) of section 1574a of this title shall have priority for payment of principal and interest out of revenues received under section 7652(b)(3) of title 26 in the order of the date of issue, except that issues guaranteed under section 1574b of this title shall have priority, according to the date of issue, over issues not so guaranteed and the revenues received under section 7652(b)(3) of title 26 shall be pledged for the payment of such bonds or other obligations.

(Pub. L. 94-392, § 3, Aug. 19, 1976, 90 Stat. 1195.)

CODIFICATION

"Section 7652(b)(3) of title 26" was substituted for "section 28(b) of the Revised Organic Act of the Virgin Islands", which was classified to section 3350(c) of former Title 26, Internal Revenue Code, on authority of section 7852(b) of Title 26, Internal Revenue Code, which provided that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provision of the Internal Revenue Code of 1954.

Section was not enacted as part of act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which comprises this chapter.

§ 1574d. Grants for government operations; authorization of Secretary; limitation

The Secretary is authorized and directed to make grants to the government of the Virgin Islands for operation of such government in an amount not to exceed $8,500,000.

(Pub. L. 94-392, § 4, Aug. 19, 1976, 90 Stat. 1195.)

CODIFICATION

Section was not enacted as part of act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which comprises this chapter.

§ 1575. Legislative procedure

(a) Quorum and method of voting on bills

The quorum of the legislature shall consist of eight of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) Enacting clause of acts

The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands".

(c) Governor's message and budget

The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July.

(d) Approval and disapproval of bills

Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

(e) Use of prior appropriations upon failure to pass appropriation bills

If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(f) Journal of proceedings; contents

The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

(g) Transmittal of laws to Secretary of the Interior and Congress

Copies of all laws enacted by the legislature shall be transmitted within fifteen days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

(July 22, 1954, ch. 558, § 9, 68 Stat. 501; Aug. 23, 1968, Pub. L. 90-496, §§ 2, 3, 82 Stat. 837.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-496, § 2, increased the quorum requirement from seven to eight members.

Subsec. (d). Pub. L. 90-496, § 3, added requirement that when a bill is returned by the Governor to the legislature, a motion of a member of the legislature is necessary for the legislature to reconsider the bill, and substituted provisions that if, after reconsideration by the legislature, two-thirds of all the members of the legislature pass a bill returned by the Governor, it shall be a law for provisions that if, after reconsideration by the legislature, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor for his approval, provisions that if the Governor does not approve the bill, the bill shall be sent to the President of the United States for his approval, provisions that if the President disapproves the bill, the bill shall be returned to the Governor, stating the President's disapproval, and it shall not be a law, and provisions that if the President neither approves nor disapproves the bill within 90 days after it was sent to him by the Governor, the bill shall be a law as if the President had signed it.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 2 of Pub. L. 90-496 provided in part that the amendment by section 2 of Pub. L. 90-496 shall be effective on the date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective on Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as an Effective Date of 1968 Amendment note under section 1591 of this title.

§ 1576. General elections; time; transfer of Council functions, property, etc.

The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first

Monday in November, beginning with the year 1956, and every two years thereafter. The Municipal Council of Saint Thomas and Saint John, and the Municipal Council of Saint Croix, existing on July 22, 1954, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations and funds of the governments of the municipality of Saint Thomas and Saint John and the municipality of Saint Croix shall be transferred to the government of the Virgin Islands.

(July 22, 1954, ch. 558, § 10, 68 Stat. 502.)

SUBCHAPTER IV—EXECUTIVE BRANCH

§ 1591. Governor and Lieutenant Governor; election; eligibility; official residence; powers and duties; report

The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands". The Governor of the Virgin Islands, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the legislature of the Virgin Islands. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both officers. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a run-off election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elected every four years at the general election. The Governor and Lieutenant Governor shall hold office for a term of four years and until their successors are elected and qualified. No person who has been elected Governor for two full successive terms shall be again eligible to hold that office until one full term has intervened. The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of the Virgin Islands and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in the Government House on Saint Thomas during his incumbency, which house, together with land appurtenant thereto, is hereby transferred to the government of the Virgin Islands. While in Saint Croix the Governor may reside in Government House on Saint Croix free of rent.

The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this chapter. He shall appoint, and may remove, all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, or under the laws of the Virgin Islands, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in the Virgin Islands or Puerto Rico, which may be given at the discretion of such commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, proclaim the islands, insofar as they are under the jurisdiction of the government of the Virgin Islands, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

The Governor shall make to the Secretary of the Interior under section 1544 of this title, an annual report of the transactions of the government of the Virgin Islands for transmission to the Congress and such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

There is hereby established the office of Lieutenant Governor of the Virgin Islands. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this chapter or under the laws of the Virgin Islands.

(July 22, 1954, ch. 558, § 11, 68 Stat. 503; Aug. 23, 1968, Pub. L. 90-496, § 4, 82 Stat. 837.)

References in Text

This chapter, referred to in text, read in the original, this Act, meaning act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables volume.

Amendments

1968—Pub. L. 90-496 provided for the popular election of the Governor and Lieutenant Governor, set the date of the first election, defined the scope of their authority, set out the duties of their offices, specified the qualifications for the offices of Governor and Lieutenant Governor, and provided that an elected Governor may serve two full successive terms but shall not be again eligible to hold that office until one full term has intervened.

Effective Date of 1968 Amendment

Section 16 of Pub. L. 90-496 provided that: "Those provisions of this Act [see Short Title note set out

under section 1541 of this title] necessary to authorize the holding of an election for Governor and Lieutenant Governor on November 3, 1970, shall be effective on January 1, 1970. All other provisions of this Act, unless otherwise expressly provided herein, shall be effective January 4, 1971."

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of the Virgin Islands, see section 1701 et seq. of this title.

§ 1592. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 657

Section, act July 22, 1954, ch. 558, § 20(a), 68 Stat. 505, prescribed the compensation of the Governor.

CODIFICATION

Section 20 of Act July 22, 1954 was amended in its entirety by section 10 of Pub. L. 90–496, Aug. 23, 1968, 82 Stat. 841, which consolidated the text of said section 20 into a single unlettered paragraph, now set out as section 1641 of this title. Prior to the 1968 amendment said section 20 was comprised of subsecs. (a) to (c). Subsec. (a) was classified to this section, and subsecs. (b) and (c) were classified to sections 1598 and 1641, respectively, of this title.

§ 1593. Removal of Governor; referendum election; procedure; initiation of referendum

Any Governor of the Virgin Islands may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for Governor in the last preceding general election at which a Governor was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in the referendum election. The referendum election shall be initiated by the legislature of the Virgin Islands following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) a petition for such a referendum to the legislature by registered voters equal in number to at least 50 per centum of the whole number of votes cast for Governor at the last general election at which a Governor was elected preceding the filing of the petition.

(July 22, 1954, ch. 558, § 12, 68 Stat. 503; Aug. 23, 1968, Pub. L. 90–496, § 5, 82 Stat. 838.)

AMENDMENTS

1968—Pub. L. 90–496 substituted provisions authorizing the removal of the Governor from office by a recall referendum for provisions authorizing the appointment of a Government Secretary for the Virgin Islands, and provisions setting forth his powers and duties.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective on Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90–496, effective Jan. 4, 1971, see section 16 of Pub. L. 90–496, set out as an Effective Date of 1968 Amendment note under section 1591 of this title.

§ 1594. Repealed. Pub. L. 90–496, § 6, Aug. 23, 1968, 82 Stat. 839

Section, act July 22, 1954, ch. 558, § 13, 68 Stat. 503, authorized the Governor to appoint an administrative assistant to reside in St. Croix and an administrative assistant to reside in St. John.

EFFECTIVE DATE OF REPEAL

Section 6 of Pub. L. 90–496 provided in part that the repeal of this section is effective on the date of enactment of Pub. L. 90–496, which was approved on Aug. 23, 1968.

§ 1595. Vacancy in office of Governor or Lieutenant Governor

(a) Temporary disability or temporary absence of Governor

In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

(b) Permanent vacancy in office of Governor; Lieutenant Governor as Governor; term of office

In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

(c) Temporary disability or temporary absence of Lieutenant Governor; president of legislature as Lieutenant Governor

In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the president of the legislature shall act as Lieutenant Governor.

(d) Permanent vacancy in office of Lieutenant Governor; Governor to appoint new Lieutenant Governor with advice and consent of legislature; term of office

In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

(e) Temporary disability or temporary absence of Governor and Lieutenant Governor; appointment of Acting Governor; permanent vacancies in offices of Governor and Lieutenant Governor; appointment of Governor

In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of the Virgin Islands may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of the Virgin Islands.

(f) Additional compensation

No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office

of Governor or Lieutenant Governor under the provisions of this chapter.

(July 22, 1954, ch. 558, § 14, 68 Stat. 504; Aug. 23, 1968, Pub. L. 90-496, § 7(a), 82 Stat. 839.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (f), read in the original, this Act, meaning act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables volume.

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-496 designated existing provisions as subsec. (a), and, as so designated, substituted provisions that in case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor for provisions that in case of a vacancy in the office of Governor or the disability of the Governor or the temporary absence of the Governor, the Government Secretary shall have all the powers of the Governor.

Subsecs. (b) to (f). Pub. L. 90-496 added subsecs. (b) to (f).

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective on Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as an Effective Date of 1968 Amendment note under section 1591 of this title.

§ 1596. Delegate from the Virgin Islands to the United States House of Representatives; clerk hire allowance and transportation expenses

Notwithstanding any other provision of law, the clerk hire allowance and the transportation expenses subject to reimbursement under Federal law of the Delegate from the Virgin Islands to the United States House of Representatives shall each be the same as allowed for Members of the United States House of Representatives.

(July 22, 1954, ch. 558, § 15, as added May 27, 1975, Pub. L. 94-26, § 2, 89 Stat. 94.)

PRIOR PROVISIONS

A prior section 15 of act July 22, 1954, ch. 558, 68 Stat. 504; Mar. 16, 1962, Pub. L. 87-419, § 2, 76 Stat. 35, authorizing the Secretary of the Interior to designate the head of an executive department of the Government of the Virgin Islands as Governor in case of a vacancy, disability or absence of both the Governor and the Government Secretary, was repealed by Pub. L. 90-496, § 7(b), Aug. 23, 1968, 82 Stat. 839, effective Jan. 4, 1971.

§ 1597. Reorganization of government

(a) Consolidation of departments, bureaus, etc.; popular election of school board members

The Governor shall, within one year after July 22, 1954, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments into not more than nine executive departments except for independent bodies whose existence may be required by Federal law for participation in Federal programs. The head of each executive department other than the department of law shall be designated as the commissioner thereof, and the commissioner of finance shall be bonded. The head of the department of law shall be known as the attorney general of the Virgin Islands. Members of school boards, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.

(b) Changes after examination from time to time

The Governor shall, from time to time, after complying with the provisions of subsection (a) of this section, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, subject to the approval of the legislature, not inconsistent with this chapter, as he determines are necessary to promote effective management and to execute faithfully the purposes of this chapter and the laws of the Virgin Islands.

(c) Appointment of department heads; tenure; removal; powers and duties; appointments to boards, etc.

The heads of the executive departments created by this chapter shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature. The chairman and members of any board, authority, or commission established by the laws of the Virgin Islands shall, if the laws of the Virgin Islands hereafter provide, also be appointed by the Governor with the advice and consent of the legislature, if such board, authority, or commission has quasi-judicial functions: *Provided*, That no law of the Virgin Islands dealing with the chairmanship, membership, or chairmanship and membership of any such board, authority, or commission, and requiring an appointment or appointments to be made with the advice and consent of the legislature, shall relate to more than one such board, authority, or commission, nor shall it relate to any other legislative matter.

(July 22, 1954, ch. 558, § 16, 68 Stat. 504; Aug. 30, 1957, Pub. L. 85-224, 71 Stat. 510; Sept. 16, 1959, Pub. L. 86-289, § 3, 73 Stat. 569; Aug. 23, 1968, Pub. L. 90-496, § 8(a), 82 Stat. 839.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c), read in the original, this Act, meaning act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables volume.

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-496 substituted provisions that members of school boards which have been duly organized by the government of the Virgin Islands be popularly elected for provisions that required the approval of the Secretary of the Interior for the establishment of any new department, agency, or

other instrumentality by the Governor or the legislature, unless such department, agency, etc., was required by federal law for participation in federal programs.

1959—Subsec. (a). Pub. L. 86-289 provided that the head of the department of law should be known as the attorney general of the Virgin Islands.

1957—Subsec. (c). Pub. L. 85-224 provided for appointments to boards, authorities or commissions.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective on Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as an Effective Date of 1968 Amendment note under section 1591 of this title.

§ 1598. Omitted

CODIFICATION

Section, act July 22, 1954, ch. 558, § 20(b), 68 Stat. 505, which related to compensation of the Government Secretary, department heads, and staffs of the Governor and Government Secretary, was omitted from the Code as superseded by section 10 of Pub. L. 90-496, Aug. 23, 1968, 82 Stat. 841, which amended section 1641 of this title. See Codification note set out under section 1641 of this title.

§ 1599. Government comptroller

(a) Appointment; status; compensation; transfer or removal procedure

The Secretary of the Interior shall appoint in the Department of the Interior a government comptroller for the Virgin Islands who shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Virgin Islands, and whose salary and expenses of office shall be paid by the United States from funds derived by transfer from the internal revenue collections appropriated for the Virgin Islands. Sixty days prior to the effective date of transfer or removal of the government comptroller, the Secretary shall communicate to the President of the Senate and the Speaker of the House of Representatives his intention to so transfer or remove the government comptroller and his reasons therefor.

(b) Audit of accounts; review and adjudication of claims; audit of expenditures

The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of the Virgin Islands and of funds derived from bond issues, and he shall audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands, including those pertaining to trust funds held by the government of the Virgin Islands.

(c) Duty to report uncollected amounts and irregular or unlawful expenditures of funds or uses of property; purposes of audit activities

It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the Governor of the Virgin Islands all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of the Virgin Islands, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of the government of the Virgin Islands are properly accounted for and audited.

(d) Certification of net amount of revenues

It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(e) Finality of decision; appeal to Secretary of the Interior

The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the Governor, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

(f) Judicial review

If the Governor does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the Governor, on behalf of the head of the department concerned, may seek relief by suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.

(g) Direct communication with any person or departmental personnel; witnesses; oaths

The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(h) Annual fiscal reports to the Governor and the Secretary of the Interior; comments and recommendations of the Secretary on reports

As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

(i) Other reports

The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

(j) Review by Comptroller General of the United States of office and activities of government comptroller; report

The office and activities of the government comptroller of the Virgin Islands shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the Governor, the Secretary of the Interior, President of the Senate, and the Speaker of the House of Representatives.

(k) Access to business and other information of all departments, agencies, etc., by the government comptroller; examination of books, papers, and records

All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organizations, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment.

(July 22, 1954, ch. 558 § 17, 68 Stat. 505; Aug. 28, 1958, Pub. L. 85-851, §§ 4, 5, 72 Stat. 1094, 1095; Mar. 20, 1962, Pub. L. 87-421, 76 Stat. 43; Aug. 23, 1968, Pub. L. 90-496, § 9, 82 Stat. 840.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-496 added provisions that the government comptroller for the Virgin Islands shall be under the general supervision of the Secretary of the Interior and shall not be part of any executive department in the government of the Virgin Islands, and substituted provisions that the government comptroller's salary and expenses shall be paid by the United States from funds derived by transfer from the internal revenue collections appropriated for the Virgin Islands, and provisions that the transfer or removal of the comptroller shall be according to the prescribed procedure, for provisions that the comptroller shall receive an annual salary at a rate established in accordance with the standards provided by the Classification Act of 1949, as amended, provisions that set forth the tenure of the government comptroller, and provisions that the comptroller shall not be eligible for reappointment.

Subsec. (b). Pub. L. 90-496 substituted provisions authorizing the government comptroller to audit all accounts and review and recommend adjudication of claims, and to audit all expenditures for provisions authorizing the comptroller to audit and settle all accounts and claims, and to audit and settle all expenditures.

Subsec. (c). Pub. L. 90-496 substituted provision requiring notification of the Secretary of the Interior and the Governor of the Virgin Islands of all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law for provision requiring notification of the proper administrative officer of failures to collect amounts due the government, and expenditures of funds or property which in the opinion of the comptroller are extravagant, excessive, unnecessary, or irregular, and added the provision setting forth the purposes of the audit activities of the government comptroller.

Subsecs. (d), (e). Pub. L. 90-496 reenacted subsecs. (d) and (e) without change.

Subsec. (f). Pub. L. 90-496 substituted provisions authorizing a suit in the District Court of the Virgin Islands by the party aggrieved if the Governor does not concur in the taking of an appeal to the Secretary, or, by the party aggrieved or the Governor, on behalf of the head of the department concerned, not later than thirty days following the date of decision of the Secretary of the Interior, for provisions authorizing a suit in the District Court of the Virgin Islands if the Secretary of the Interior confirms the decision of the government comptroller, or if the Governor does not concur in the taking of an appeal to the Secretary.

Subsec. (g). Pub. L. 90-496 struck out "having claims before him for settlement," following "with any person".

Subsec. (h). Pub. L. 90-496 added provisions requiring the government comptroller to submit an annual fiscal report to the Secretary of the Interior, and requiring the Secretary to submit such report, with his comments and recommendations, to the President of the Senate and the Speaker of the House.

Subsec. (i). Pub. L. 90-496 reenacted subsec. (i) without change.

Subsec. (j). Pub. L. 90-496 substituted provisions authorizing the Comptroller General of the United States to review the office and activities of the government comptroller, and to submit reports thereon to the Governor, the Secretary of the Interior, the President of the Senate, and the Speaker of the House of Representatives for provisions placing the office of the government comptroller under the general supervision of the Secretary of the Interior, such office not to be a part of any executive department in the government of the Virgin Islands.

Subsec. (k). Pub. L. 90-496 added subsec. (k).

1962—Subsec. (a). Pub. L. 87-421 prescribed payment of an annual salary of the government comptroller in accordance with the standards provided by the Classification Act of 1949, as amended, and eliminated provisions which prescribed an annual salary of $12,500.

1958—Subsec. (a). Pub. L. 85-851, § 4, deleted the words "not to exceed" following "salary of".

Subsec. (e). Pub. L. 85-851, § 5, substituted provision permitting appeals to be taken to the Secretary of Interior with the concurrence of the Governor for former provision allowing appeals to the Governor.

Subsec. (f). Pub. L. 85-851, § 5, substituted provision for judicial review of Secretary of the Interior's or the Governor's determination for former provision permitting alternative remedies of appeal to legislature or the District Court from Governor's determination.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 9 of Pub. L. 90-496 provided in part that the amendment by Pub. L. 90-496 shall be effective on the date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

SUBCHAPTER V—JUDICIAL BRANCH

§ 1611. District Court of the Virgin Islands and inferior courts

The judicial power of the Virgin Islands shall be vested in a court of record to be designated the "District Court of the Virgin Islands", and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

(July 22, 1954, ch. 558, § 21, 68 Stat. 506.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 28 section 1869.

§ 1612. Jurisdiction of District Court; transfer of actions

The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States, regardless of the sum or value of the matter in controversy. It shall have general

original jurisdiction in all other causes in the Virgin Islands, exclusive jurisdiction over which is not conferred by this chapter upon the inferior courts of the Virgin Islands. When it is in the interest of justice to do so the district court may on motion of any party transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

(July 22, 1954, ch. 558, § 22, 68 Stat. 506.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original, this Act, meaning act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables volume.

CROSS REFERENCES

Amount in controversy required to exceed $10,000 in federal question cases in district courts of the United States, see section 1331 of Title 28, Judiciary and Judicial Procedure.

§ 1613. Jurisdiction of inferior courts; transfer of actions; status as committing court; bail; rules

The inferior courts now or hereafter established by local law shall have exclusive original jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of $500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of $100 or imprisonment for six months, or both, and all violations of police and executive regulations, and they shall have original jurisdiction, concurrently with the district court, of all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. Any action or proceeding brought in the district court which is within the jurisdiction of an inferior court may be transferred to such inferior court by the district court in the interest of justice. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing the practice and procedure of the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeal to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on July 22, 1954 or as may hereafter be so established.

(July 22, 1954, ch. 558, § 23, 68 Stat. 506.)

§ 1614. Judges of the District Court

(a) Appointment; tenure; removal; compensation

The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of eight years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge of the Third Judicial Circuit of the United States may assign a judge of the municipal court of the Virgin Islands or a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

(b) Chief judge

The judge of the district court who is senior in continuous service and under seventy years of age shall be the chief judge of the court and shall have power to appoint officers of the court when and as provided in section 756 of title 28. The division of the business of the court among the judges shall be made as prescribed in section 137 of title 28.

(c) United States marshal

The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 37 of title 28 shall apply.

(July 22, 1954, ch. 558, § 24, 68 Stat. 506; Aug. 28, 1958, Pub. L. 85-851, § 7, 72 Stat. 1095; June 2, 1970, Pub. L. 91-272, § 3(b), 84 Stat. 296.)

CODIFICATION

In subsec. (c), "chapter 37 of title 28" was substituted for "chapter 33 of title 28" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 4(c) of which revised Part II of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-272 designated existing provisions as subsec. (a) and in subsec. (a) as so designated increased from one to two the number of district judges, added judges of the municipal court of the Virgin Islands to the list of judges from which may be drawn temporary judges for the district court, and transferred to subsec. (c) provisions covering the appointment of a United States marshal for the Virgin Islands.

Subsec. (b). Pub. L. 91-272 added subsec. (b).

Subsec. (c). Pub. L. 91-272 added subsec. (c), the substance of which was formerly contained in subsec. (a).

1958—Pub. L. 85-851 substituted "the Attorney General shall appoint a United States marshal" for "the Attorney General shall, as heretofore, appoint a marshal and one deputy marshal".

PRESENT INCUMBENT

Enactment of this chapter as not affecting term of office of judge of the District Court of the Virgin Is-

lands in office on the date of its enactment, see Effective Date note under section 1541 of this title.

RESIGNATION AND RETIREMENT OF JUDGES

Resignation and retirement of judges in the Territories and possessions, see section 373 of Title 28, Judiciary and Judicial Procedure.

§ 1615. Judicial divisions; sessions; applicability of procedural rules; prosecution by information or indictment

The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in three months in each division. The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, in civil cases, section 2073 of such title, in admiralty cases, and section 53 of title 11 in bankruptcy cases, shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the District Court by information as heretofore except such as may be required by local law to be prosecuted by indictment by grand jury.

(July 22, 1954, ch. 558, § 25, 68 Stat. 507.)

REFERENCES IN TEXT

Section 2073 of such title, referred to in text, meaning section 2073 of title 28, was repealed by Pub. L. 89-773, § 2, Nov. 6, 1966, 80 Stat. 1323. See section 2072 of Title 28.

Section 53 of title 11, referred to in text, was repealed by Pub. L. 88-623, § 3, Oct. 3, 1964, 78 Stat. 1001. See section 2075 of Title 28.

§ 1616. Trial by jury

All criminal cases originating in the district court shall be tried by jury upon demand by the defendant or by the Government. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

(July 22, 1954, ch. 558, § 26, 68 Stat. 507; Aug. 28, 1958, Pub. L. 85-851, § 8, 72 Stat. 1095.)

AMENDMENTS

1958—Pub. L. 85-851 substituted requirement of jury trial upon demand by defendant or Government for prohibition against denial to any person on demand of either party.

§ 1617. United States attorney; appointment; duties; vacancies

The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands to whose office the provisions of chapter 35 of title 28, shall apply. Except as otherwise provided by law it shall be the duty of the United States attorney to prosecute all offenses against the United States and to conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the district court and in the inferior courts of the Virgin Islands. He shall also prosecute in the district court in the name of the government of the Virgin Islands all offenses against the laws of the Virgin Islands which are cognizable by that court unless, at his request or with his consent, the prosecution of any such case is conducted by the attorney general of the Virgin Islands. The United States attorney may, when requested by the Governor or the attorney general of the Virgin Islands, conduct any other legal proceedings to which the government of the Virgin Islands is a party in the district court or the inferior courts of the Virgin Islands. In the case of a vacancy in the office of United States attorney, the District Court of the Virgin Islands may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

(July 22, 1954, ch. 558, § 27, 68 Stat. 507; Aug. 28, 1958, Pub. L. 85-851, § 9, 72 Stat. 1095; Sept. 16, 1959, Pub. L. 86-289, § 4, 73 Stat. 569; June 2, 1971, Pub. L. 92-24, 85 Stat. 76.)

AMENDMENTS

1971—Pub. L. 92-24 substituted "chapter 35" for "chapter 31" and deleted "except that the Attorney General shall not appoint more than one assistant United States attorney for the Virgin Islands" following "shall apply".

1959—Pub. L. 86-289 substituted provisions making chapter 31 of title 28 applicable to United States attorney and by provisions specifying his duties, for provisions which prescribed his term of office and provided for his compensation, provided for appointment and compensation of his assistant and employees, and provided that he or his assistant conduct all legal proceedings in which the United States Government or the government of the Virgin Islands is a party in the District Court and inferior courts.

1958—Pub. L. 85-851 substituted "United States attorney" for "district attorney" wherever appearing.

SUBCHAPTER VI—SYSTEM OF ACCOUNTS

§ 1631. Establishment and maintenance; scope

The Governor shall establish and maintain systems of accounting and internal control designed to provide—

(a) full disclosure of the financial results of the government's activities;

(b) adequate financial information needed for the government's management purposes;

(c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit; and

(d) reliable accounting results to serve as the basis for preparation and support of the government's request for the approval of the President or his designated representative for the obligation and expenditure of the internal revenue collections as provided in section 26, the Governor's budget request to the legislature, and for controlling the execution of the said budget.

(July 22, 1954, ch. 558, § 18, 68 Stat. 505.)

REFERENCES IN TEXT

Section 26, referred to in subsec. (d), probably means section 26 of S. 3378 (act July 22, 1954, ch. 558, 68 Stat. 497) prior to the submission of S. 3378 to the Conference Committee which redesignated section 26 as section 28 of S. 3378. Said section 28 was composed of subsecs. (a) to (d). Subsecs. (a), (c), and (d) thereof enacted sections 1642, 1643, and 1644 of this title, respectively. Subsec. (b) thereof added subsec. (c) to section 3350 of former Title 26, Internal Revenue Code. Reference to section 3350(c) of former Title 26 now deemed a reference to section 7652(b)(3) of Title 26, Internal Revenue Code. See section 7852(b) of Title 26, Internal Revenue Code, which provides that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provisions of the Internal Revenue Code of 1954.

§ 1632. Repealed. Pub. L. 90-496, § 14, Aug. 23, 1968, 82 Stat. 842

Section, act July 22, 1954, ch. 558, § 19, 68 Stat. 505, authorized the Comptroller General of the United States to review annually the office and activities of the Government Comptroller of the Virgin Islands, and report thereon to the Governor, the Secretary of the Interior, and the Congress.

EFFECTIVE DATE OF REPEAL

Section 14 of Pub. L. 90-496 provided in part that the repeal of this section is effective on the date of enactment of Pub. L. 90-496, which was approved on Aug. 23, 1968.

SUBCHAPTER VII—FISCAL PROVISIONS

§ 1641. Method of payment of official salaries

The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of the Virgin Islands, and the members of the legislature shall be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands.

(July 22, 1954, ch. 558, § 20(c), 68 Stat. 506; Aug. 28, 1958, Pub. L. 85-851, § 6(a), 72 Stat. 1095; Aug. 23, 1968, Pub. L. 90-496, § 10, 82 Stat. 841.)

CODIFICATION

Prior to the 1968 amendment of section 20 of act July 22, 1954, this section constituted subsec. (c) of said section 20. Subsecs. (a) and (b) of said section 20 were classified to sections 1592 and 1598, respectively, of this title. Section 10 of Pub. L. 90-496 consolidated the text of said section 20 into a single unlettered paragraph, now set out as this section.

AMENDMENTS

1968—Pub. L. 90-496 substituted provisions that the salaries and travel allowances of all officials connected with the executive and legislative departments of the government of the Virgin Islands be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands for provisions that the salaries of the Governor, the Government Secretary, the government comptroller, and their immediate staffs be paid by the United States, and provisions that the salaries of the heads of the executive departments be paid by the government of the Virgin Islands, such salaries to be paid without the necessity of further appropriations therefor, if the legislature fails to make an appropriation for such salaries.

1958—Pub. L. 85-851 provided for the payment of the salary of the government comptroller by the United States instead of by the government of the Virgin Islands.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective on Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as an Effective Date of 1968 Amendment note under section 1591 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 6(b) of Pub. L. 85-851 provided that the amendment by Pub. L. 85-851 shall become effective on July 1, 1959.

§ 1642. Use of certain proceeds for expenditure; income tax obligations of inhabitants

The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this chapter shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

(July 22, 1954, ch. 558, § 28(a), 68 Stat. 508.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original, this Act, meaning act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables volume.

Section 3811 of the Internal Revenue Code, referred to in text, meaning the I.R.C. of 1939, was classified to section 3811 of former Title 26, Internal Revenue Code. Section 3811 was repealed by section 7851(a)(7) of the Internal Revenue Code of 1954. Similar provisions are now contained in section 7651 of Title 26. For provision that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provision of the Internal Revenue Code of 1954, see section 7852(b) of Title 26.

CODIFICATION

Section constitutes subsec. (a) of section 28 of act July 22, 1954. Subsec. (b) of section 28 amended former section 3350 of Title 26, Internal Revenue Code, 1939, and subsecs. (c) and (d) thereof are classified to sections 1643 and 1644, respectively, of this title.

CROSS REFERENCES

All provisions of laws of the United States applicable to assessment and collection of taxes imposed by Internal Revenue Code as applicable to possessions, see section 7651 of Title 26, Internal Revenue Code.

Disposition of proceeds of taxes on articles produced in the Virgin Islands and transported into the United States, see section 7652 of Title 26.

Payment of proceeds of United States income tax collected in the Virgin Islands into local treasury, see section 1397 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 sections 934, 957, 7651.

§ 1643. Import provisions with respect to trade-marks

Section 1124 of title 15, and section 1526 of title 19, shall not apply to importations into the Virgin Islands of genuine foreign merchandise bearing a genuine foreign trade-mark, but shall remain applicable to importations of such merchandise from the Virgin Islands into the United States or its possessions; and the dealing in or possession of any such merchandise in the Virgin Islands shall not constitute a violation of any registrant's right under the Trade Mark Act [15 U.S.C. 1051 et seq.].

(July 22, 1954, ch. 558, § 28(c), 68 Stat. 508.)

REFERENCES IN TEXT

The Trade Mark Act, referred to in text, probably means the Trademark Act of 1946, also popularly known as the Lanham Act, act July 5, 1946, ch. 540, 60 Stat. 427, which is classified generally to chapter 22 (§ 1051 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of Title 15 and Tables volume.

CODIFICATION

Section constitutes subsec. (c) of section 28 of act July 22, 1954. Subsec. (b) of section 28 amended former section 3350 of Title 26, Internal Revenue Code, 1939, and subsecs. (a) and (d) thereof are classified to sections 1642 and 1644, respectively, of this title.

§ 1644. Import duties on articles entering United States or possessions from Virgin Islands

All articles coming into the United States from the Virgin Islands shall be subject to or exempt from duty as provided for in section 1301a of title 19 and subject to internal-revenue taxes as provided for in section 7652(b) of title 26.

(July 22, 1954, ch. 558, § 28(d), 68 Stat. 509; Sept. 1, 1954, ch. 1213, title IV, § 402(a), 68 Stat. 1140.)

REFERENCES IN TEXT

Section 1301a of title 19, referred to in text, was repealed by Pub. L. 87-456, title III, § 301(a), May 24, 1962, 76 Stat. 75. See General Headnote 3(a) under section 1202 of Title 19, Customs Duties.

CODIFICATION

Section constitutes subsec. (d) of section 28 of act July 22, 1954. Subsecs. (a) and (c) of section 28 are classified to sections 1642 and 1643, respectively, of this title, and subsec. (b) thereof amended former section 3350 of Title 26, Internal Revenue Code, 1939.

AMENDMENTS

1954—Act Sept. 1, 1954, subjected the Virgin Islands to the general provision for importations from insular possessions contained in section 1301a of Title 19, Customs Duties.

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Sept. 1, 1954, effective on and after the thirtieth day following Sept. 1, 1954, see note set out under section 160 of Title 19, Customs Duties.

CHAPTER 13—EASTERN SAMOA

Sec.

1661. Islands of Tutuila, Manua, and eastern Samoa.
(a) Ceded to and accepted by United States.
(b) Public land laws; revenue.
(c) Government.
1662. Sovereignty of United States extended over Swains Island.
1663. Acknowledgment of deeds.
1664. Coastwise shipping laws of United States inapplicable.
1665. Purchases by governments of Samoa.
1666. Extension of scientific, technical, and other assistance; grant-in-aid program restriction; limitations on expenditures.
1667. Repealed.

§ 1661. Islands of Tutuila, Manua, and eastern Samoa

(a) Ceded to and accepted by United States

The cessions by certain chiefs of the islands of Tutuila and Manua and certain other islands of the Samoan group lying between the thirteenth and fifteenth degrees of latitude south of the Equator and between the one hundred and sixty-seventh and one hundred and seventy-first degrees of longitude west of Greenwich, herein referred to as the islands of eastern Samoa, are accepted, ratified, and confirmed, as of April 10, 1900, and July 16, 1904, respectively.

(b) Public land laws; revenue

The existing laws of the United States relative to public lands shall not apply to such lands in the said islands of eastern Samoa; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the said islands of eastern Samoa for educational and other public purposes.

(c) Government

Until Congress shall provide for the government of such islands, all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

(Feb. 20, 1929, ch. 281, 45 Stat. 1253; May 22, 1929, ch. 6, 46 Stat. 4.)

REFERENCES IN TEXT

The existing laws of the United States relative to public lands, referred to in subsec. (c), are classified generally to Title 43, Public Lands.

CODIFICATION

Former subsec. (d) which provided for recommendation of legislation concerning the islands of eastern Samoa by seven commissioners as soon as reasonably practicable, was omitted as obsolete.

Section was formerly classified to section 1431a of this title.

AMENDMENTS

1929—Subsec. (d). Act May 22, 1929, substituted in lines 1 and 3, respectively, the words "seven" and "three" for "six" and "two", and inserted "or high chiefs" between "chiefs" and "of the said islands".

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of American Samoa, see section 1701 et seq. of this title.

CROSS REFERENCES

Articles, goods, wares or merchandise going into Samoa as exempt from payment of any tax imposed by the internal revenue laws of the United States, see section 7653 of Title 26, Internal Revenue Code.

Certification of invoices of goods shipped from Samoa, see section 1482 of Title 19, Customs Duties.

Entry of goods by means of false statements as excluding Samoa, see section 542 of Title 18, Crimes and Criminal Procedure.

Fair Labor Standards Act, application to Samoa, see section 213 of Title 29, Labor.

Preference of American products and manufactures, inclusion of Samoa in statute, see section 10c of Title 41, Public Contracts.

Relanding goods as excluding Samoa, see section 544 of Title 18, Crimes and Criminal Procedure.

Smuggling as excluding Samoa, see section 545 of Title 18.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1708 of this title.

§ 1662. Sovereignty of United States extended over Swains Island

The sovereignty of the United States over American Samoa is extended over Swains Island, which is made a part of American Samoa and placed under the jurisdiction of the administrative and judicial authorities of the government established therein by the United States.

(Mar. 4, 1925, ch. 563, 43 Stat. 1357.)

CODIFICATION

Section was formerly classified to section 1431 of this title.

TRANSFER OF CERTAIN PROPERTY TO GOVERNMENT OF AMERICAN SAMOA

Pub. L. 87-158, Aug. 17, 1961, 75 Stat. 392, authorized the Secretary of the Navy to transfer, without reimbursement or transfer of funds, to the government of American Samoa, within ninety days after August 17, 1961, title to all property, real and personal, located in American Samoa on that date which was owned by the United States and was within the administrative supervision of the Department of the Navy on such date.

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of American Samoa, see section 1701 et seq. of this title.

EX. ORD. NO. 10264. TRANSFER OF ADMINISTRATION OF AMERICAN SAMOA

Ex. Ord. No. 10264, eff. June 29, 1951, 16 F.R. 6419, provided:

1. The administration of American Samoa is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1951.

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of administration of American Samoa as embodied in the above-mentioned memorandum of understanding between the two departments.

3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government in American Samoa.

4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

5. The said Executive order of February 19, 1900 [Ex. Ord. 125-A], is revoked, effective July 1, 1951.

§ 1663. Acknowledgment of deeds

Deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Samoa before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary in Samoa, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the 1st day of January 1905 and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

(June 28, 1906, ch. 3585, 34 Stat. 552.)

CODIFICATION

Section was formerly classified to section 1432 of this title.

Section is also set out in D.C. Code, § 45-405.

CROSS REFERENCES

Similar provisions relating to Guam, see section 1421f-1 of this title.

§ 1664. Coastwise shipping laws of United States inapplicable

The provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port of the United States to another port of the United States shall not be applicable to commerce beween[1] the islands of American Samoa or between those islands and other ports under the jurisdiction of the United States.

(June 14, 1934, ch. 523, 48 Stat. 963.)

CODIFICATION

Section was formerly classified to section 1433 of this title.

CROSS REFERENCES

Transportation of merchandise between points in United States in other than domestic-built and documented vessels, see section 883 of Title 46, Shipping.

§ 1665. Purchases by governments of Samoa

The Territorial and local governments of American Samoa are authorized to make pur-

[1] So in original. Probably should read "between".

chases through the General Services Administration.

(Pub. L. 94-373, title I, § 100, July 31, 1976, 90 Stat. 1052.)

CODIFICATION

Section, as it relates to the Virgin Islands and Guam, is set out as sections 1401f and 1423l, respectively, of this title.

Section was formerly classified to section 1434 of this title.

SIMILAR PROVISIONS

Section is from the Department of the Interior and Related Agencies Appropriation Act, 1977. Similar provisions were contained in the following prior appropriation acts:

Dec. 23, 1975, Pub. L. 94-165, title I, § 100, 89 Stat. 987.

Aug. 31, 1974, Pub. L. 93-404, title I, § 100, 88 Stat. 812.

Oct. 4, 1973, Pub. L. 93-120, title I, § 100, 87 Stat. 433.

Aug. 10, 1972, Pub. L. 92-369, title I, § 100, 86 Stat. 512.

Aug. 10, 1971, Pub. L. 92-76, title I, § 100, 85 Stat. 233.

July 31, 1970, Pub. L. 91-361, title I, § 100, 84 Stat. 673.

Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 151.

July 26, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 430.

June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 63.

May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 174.

June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 179.

July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 278.

July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 102.

Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 339.

Aug. 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 250.

May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 112.

June 23, 1959, Pub. L. 86-60, title I, § 100, 73 Stat. 101.

June 4, 1958, Pub. L. 85-439, title I, § 100, 72 Stat. 163.

July 1, 1957, Pub. L. 85-77, title I, § 1, 71 Stat. 266.

June 13, 1956, ch. 380, title I, § 101, 70 Stat. 265.

June 16, 1955, ch. 147, title I, § 1, 69 Stat. 149.

July 1, 1954, ch. 446, title I, § 101, 68 Stat. 372.

July 31, 1953, ch. 298, title I, § 1, 67 Stat. 273.

July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458.

Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 263.

CROSS REFERENCES

Similar provisions relating to the Virgin Islands, Guam, and the Trust Territory of the Pacific, see sections 1401f, 1423l, and 1682 of this title, respectively.

§ 1666. Extension of scientific, technical, and other assistance; grant-in-aid program restriction; limitations on expenditures

Upon request of the Secretary of the Interior—

(a) the head of any Federal department, agency, or corporation may, notwithstanding any other provision of law, extend to American Samoa, without reimbursement, such scientific, technical, and other assistance under any program which it administers as, in the judgment of the Secretary of the Interior, will promote the welfare of American Samoa. The provisions of the preceding sentence shall not apply to financial assistance under any grant-in-aid program. The Secretary of the Interior shall not request assistance pursuant to this subsection which will involve nonreimbursable costs as estimated for him in advance by the heads of the departments, agencies, and corporations concerned in excess of an aggregate of $150,000 in any one fiscal year;

(b) the Secretary of Agriculture may extend to American Samoa the benefits of the National School Lunch Act, as amended [42 U.S.C. 1751 et seq.]; and

(c) the Secretary of Health, Education, and Welfare may extend to American Samoa the benefits of the Vocational Education Act of 1946, the Library Services Act [20 U.S.C. 351 et seq.], the Hospital Survey and Construction Act [42 U.S.C. 291 et seq.], and section 246 of title 42, all as amended.

(Pub. L. 87-688, § 1, Sept. 25, 1962, 76 Stat. 586.)

REFERENCES IN TEXT

The National School Lunch Act, as amended, referred to in subsec. (b), is act June 4, 1946, ch. 281, 60 Stat. 230, as amended, which is classified generally to chapter 13 (§ 1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables volume.

The Vocational Education Act of 1946, referred to in subsec. (c), is act June 8, 1936, ch. 541, title I to III, 49 Stat. 1488, as amended, which was classified to sections 15h to 15q, 15aa to 15jj, and 15aaa to 15ggg of Title 20, Education, and which was repealed by section 103 of Pub. L. 90-576, title I, Oct. 16, 1968, 82 Stat. 1091. See section 2301 et seq. of Title 20.

The Hospital Survey and Construction Act, referred to in subsec. (c), is act Aug. 13, 1946, ch. 958, 60 Stat. 1041, which added a new title VI to the Public Health Service Act. Such title VI was amended generally by Pub. L. 88-443, § 3(a) Aug. 18, 1964, 78 Stat. 447. For complete classification of this Act to the Code, see Tables volume.

The Library Services Act, referred to in subsec. (c), is act June 19, 1956, ch. 407, 70 Stat. 293, as amended, which was redesignated the Library Services and Construction Act, and which is classified generally to chapter 16 (§ 351 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 20 and Tables volume.

§ 1667. Repealed. Pub. L. 90-576, title I, § 103, Oct. 16, 1968, 82 Stat. 1091

Section, Pub. L. 87-688, § 2, Sept. 25, 1962, 76 Stat. 586, extended to American Samoa the benefits of the Vocational Education Act of 1946 and authorized an annual appropriation of $80,000 therefor.

EFFECTIVE DATE OF REPEAL

Section 103 of Pub. L. 90-576 provided in part that repeal of this section by Pub. L. 90-576 is effective July 1, 1969.

CHAPTER 14—TRUST TERRITORY OF THE PACIFIC ISLANDS

Sec.

1681. Continuance of civil government for the Trust Territory of the Pacific Islands; assistance programs; maximum fiscal year costs; reimbursement.

1681a. Appointment of High Commissioner.

Sec.
1681b. Government comptroller of Guam; additional duties.
(a) General provision; general supervision of Secretary of the Interior; other than executive department status; apportionment of salary and expenses between Guam and Trust Territory.
(b) Auditing function.
(c) Reporting and additional auditing function.
(d) Decisions of comptroller general; administrative review.
(e) Judicial review.
(f) Official communications; witnesses and oaths.
(g) Annual report to Congress.
(h) Miscellaneous reports.
(i) Office and activities subject to review by Comptroller General of the United States.
(j) Collection of data; access to government records.
1682. Purchases by governments of Pacific Trust Territory.
1683. Auditing of transactions of Pacific Trust Territory.
1684. Expenditure of funds for administration of Pacific Trust Territory.
1685. Transfer of property or money for administration of Pacific Trust Territory.
1686. Omitted.
1687. Expenditure of appropriations for Pacific Trust Territory for surface vessels.
1688. Trust Territory Economic Development Loan Fund.
1689. Plan for use of grant to Trust Territory Economic Development Loan Fund; loans; terms.
1690. Loans from Trust Territory Economic Loan Fund; restrictions; guarantees.
1691. Fiscal control and accounting procedures for plan for use of grant.
1692. Annual report on administration of Trust Territory Economic Development Fund.
1693. Audit of government; access to books, records, etc.

§ 1681. Continuance of civil government for the Trust Territory of the Pacific Islands; assistance programs; maximum fiscal year costs; reimbursement

(a) Until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize.

(b) The head of any department, corporation, or other agency of the executive branch of the Government may, upon the request of the Secretary of the Interior, extend to the Trust Territory of the Pacific Islands, with or without reimbursement, scientific, technical, and other assistance under any program administered by such agency, or extend to the Trust Territory any Federal program administered by such agency, if the assistance or program will promote the welfare of the Trust Territory, notwithstanding any provision of law under which the Trust Territory may otherwise be ineligible for the assistance or program: *Provided*, That the Secretary of the Interior shall not request assistance pursuant to this subsection that involves, in the aggregate, an estimated nonreimbursable cost in any one fiscal year in excess of $150,000: *Provided further*, That the cost of any program extended to the Trust Territory under this subsection shall be reimbursable out of appropriations authorized and made for the government of the Trust Territory pursuant to section 2 of this Act, as amended. The provisions of this subsection shall not apply to financial assistance under a grant-in-aid program.

(June 30, 1954, ch. 423, § 1, 68 Stat. 330; Aug. 22, 1964, Pub. L. 88-487, § 1, 78 Stat. 601.)

References in Text

Section 2 of this Act, as amended, referred to in subsec. (b), means section 2 of act June 30, 1954, set out as a note below.

Codification

Section was formerly classified to section 1435 of this title.

Amendments

1964—Pub. L. 88-487 designated existing provisions as subsec. (a), and added subsec. (b).

Authorization of Appropriations

Section 2 of act June 30, 1954, as amended July 19, 1962, Pub. L. 87-541, 78 Stat. 171; May 10, 1967, Pub. L. 90-16, § 1, 81 Stat. 15; Oct. 21, 1968, Pub. L. 90-617, § 1, 82 Stat. 1213; Dec. 24, 1970, Pub. L. 91-578, 84 Stat. 1559; Sept. 21, 1973, Pub. L. 93-111, § 1, 87 Stat. 354; May 28, 1975, Pub. L. 94-27, § 1, 89 Stat. 95; Apr. 1, 1976, Pub. L. 94-255, § 1, 90 Stat. 299, provided that: "There are authorized to be appropriated not to exceed $25,000,000 for fiscal year 1967, for fiscal year 1975, $75,000,000 for fiscal year 1976, $80,000,000; for the period beginning July 1, 1976, and ending September 30, 1976, $15,100,000; for fiscal year 1977, $80,000,000; and such amounts as were authorized but not appropriated for fiscal year 1975, and up to but not to exceed $8,000,000 for the construction of such buildings as are required for a four-year college to serve the Micronesian community (no appropriations for the construction of such buildings shall, however, be made (A) until, but not later than one year after the date of the enactment of this Act [Apr. 1, 1976], the President causes a study to be made by an appropriate authority to determine the educational need and the most suitable educational concept for such a college and transmits such study, together with his recommendations, to the Committees on Interior and Insular Affairs of the Senate and House of Representatives of the United States within said one year period and (B) until 90 calendar days after the receipt of such study and recommendations which shall be deemed approved unless specifically disapproved by resolution of either such committee), and $1,800,000 for a human development project in the Marshall Islands plus such sums as are necessary, but not to exceed $10,000,000, for each of such fiscal years, or periods, to offset reductions in, or the termination of, Federal grant-in-aid programs or other funds made available to the Trust Territory of the Pacific Islands by other Federal agencies, which amounts for each such fiscal year or other period shall be adjusted upward or downward and presented to the Congress in the budget document for the next succeeding fiscal year as a supplemental budget request for the current fiscal year, to offset changes in the purchasing power of the United States dollar by multiplying such amounts by the Gross National Product Implicit Price Deflator for the third quarter of the calendar year numerically preceding the fiscal year or other period for which such supplemental appropriations are made, and dividing the resulting product by the Gross National Product Implicit Price Deflator for the third quarter of the calendar year 1974, to remain available until expended, to carry out the provisions of this Act

[this section] and to provide for a program of necessary capital improvements and public works related to health, education, utilities, highways, transportation facilities, communications, and public buildings: Provided, That except for funds appropriated for the activities of the Peace Corps no funds appropriated by any Act shall be used for administration of the Trust Territory of the Pacific Islands except as may be specifically authorized by law."

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1963

Pub. L. 87-541, July 19, 1962, 76 Stat. 171, provided in part that not more than $15,000,000 be authorized to be appropriated for the fiscal year 1963.

COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA

Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, provided:

Whereas the United States is the administering authority of the Trust Territory of the Pacific Islands under the terms of the trusteeship agreement for the former Japanese-mandated islands entered into by the United States with the Security Council of the United Nations on April 2, 1947, and approved by the United States on July 18, 1947; and

Whereas the United States, in accordance with the trusteeship agreement and the Charter of the United Nations, has assumed the obligation to promote the development of the peoples of the trust territory toward self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the peoples concerned; and

Whereas the United States, in response to the desires of the people of the Northern Mariana Islands clearly expressed over the past twenty years through public petition and referendum, and in response to its own obligations under the trusteeship agreement to promote self-determination, entered into political status negotiations with representatives of the people of the Northern Mariana Islands; and

Whereas, on February 15, 1975, a "Covenant to Establish A Commonwealth of the Northern Mariana Islands in Political Union with the United States of America" was signed by the Marianas Political Status Commission for the people of the Northern Mariana Islands and by the President's Personal Representative, Ambassador F. Haydn Williams for the United States of America, following which the covenant was approved by the unanimous vote of the Mariana Islands District Legislature on February 20, 1975 and by 78.8 per centum of the people of the Northern Mariana Islands voting in a plebiscite held on June 17, 1975: Now be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the text of which is as follows, is hereby approved.

"COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA

"Whereas, the Charter of the United Nations and the Trusteeship Agreement between the Security Council of the United Nations and the United States of America guarantee to the people of the Northern Mariana Islands the right freely to express their wishes for self-government or independence; and

"Whereas, the United States supports the desire of the people of the Northern Mariana Islands to exercise their inalienable right of self-determination; and

"Whereas, the people of the Northern Mariana Islands and the people of the United States share the goals and values found in the American system of government based upon the principles of government by the consent of the governed, individual freedom and democracy; and

"Whereas, for over twenty years, the people of the Northern Mariana Islands, through public petition and referendum, have clearly expressed their desire for political union with the United States;

"Now, therefore, the Marianas Political Status Commission, being the duly appointed representative of the people of the Northern Mariana Islands, and the Personal Representative of the President of the United States have entered into this Covenant in order to establish a self-governing commonwealth for the Northern Mariana Islands within the American political system and to define the future relationship between the Northern Mariana Islands and the United States. This Covenant will be mutually binding when it is approved by the United States, by the Mariana Islands District Legislature and by the people of the Northern Mariana Islands in a plebiscite, constituting on their part a sovereign act of self-determination.

"ARTICLE I

"POLITICAL RELATIONSHIP

"SECTION 101. The Northern Mariana Islands upon termination of the Trusteeship Agreement will become a self-governing commonwealth to be known as the 'Commonwealth of the Northern Mariana Islands', in political union with and under the sovereignty of the United States of America.

"SECTION 102. The relations between the Northern Mariana Islands and the United States will be governed by this Covenant which, together with those provisions of the Constitution, treaties and laws of the United States applicable to the Northern Mariana Islands, will be the supreme law of the Northern Mariana Islands.

"SECTION 103. The people of the Northern Mariana Islands will have the right of local self-government and will govern themselves with respect to internal affairs in accordance with a Constitution of their own adoption.

"SECTION 104. The United States will have complete responsibility for and authority with respect to matters relating to foreign affairs and defense affecting the Northern Mariana Islands.

"SECTION 105. The United States may enact legislation in accordance with its constitutional processes which will be applicable to the Northern Mariana Islands, but if such legislation cannot also be made applicable to the several States the Northern Mariana Islands must be specifically named therein for it to become effective in the Northern Mariana Islands. In order to respect the right of self-government guaranteed by this Covenant the United States agrees to limit the exercise of that authority so that the fundamental provisions of this Covenant, namely Articles I, II and III and Sections 501 and 805, may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands.

"ARTICLE II

"CONSTITUTION OF THE NORTHERN MARIANA ISLANDS

"SECTION 201. The people of the Northern Mariana Islands will formulate and approve a Constitution and may amend their Constitution pursuant to the procedures provided therein.

"SECTION 202. The Constitution will be submitted to the Government of the United States for approval on the basis of its consistency with this Covenant and those provisions of the Constitution, treaties and laws of the United States to be applicable to the Northern Mariana Islands. The Constitution will be deemed to have been approved six months after its submission to the President on behalf of the Government of the United States unless earlier approved or disapproved. If disapproved the Constitution will be returned and will be resubmitted in accordance with this Section. Amendments to the Constitution may be made by the people of the Northern Mariana Islands without approval by the Government of the United States, but

the courts established by the Constitution or laws of the United States will be competent to determine whether the Constitution and subsequent amendments thereto are consistent with this Covenant and with those provisions of the Constitution, treaties and laws of the United States applicable to the Northern Mariana Islands.

"SECTION 203. (a) The Constitution will provide for a republican form of government with separate executive, legislative and judicial branches, and will contain a bill of rights.

"(b) The executive power of the Northern Mariana Islands will be vested in a popularly elected Governor and such other officials as the Constitution or laws of the Northern Mariana Islands may provide.

"(c) The legislative power of the Northern Mariana Islands will be vested in a popularly elected legislature and will extend to all rightful subjects of legislation. The Constitution of the Northern Mariana Islands will provide for equal representation for each of the chartered municipalities of the Northern Mariana Islands in one house of a bicameral legislature, notwithstanding other provisions of this Covenant or those provisions of the Constitution or laws of the United States applicable to the Northern Mariana Islands.

"(d) The judicial power of the Northern Mariana Islands will be vested in such courts as the Constitution or laws of the Northern Mariana Islands may provide. The Constitution or laws of the Northern Mariana Islands may vest in such courts jurisdiction over all causes in the Northern Mariana Islands over which any court established by the Constitution or laws of the United States does not have exclusive jurisdiction.

"SECTION 204. All members of the legislature of the Northern Mariana Islands and all officers and employees of the Government of the Northern Mariana Islands will take an oath or affirmation to support this Covenant, those provisions of the Constitution, treaties and laws of the United States applicable to the Northern Mariana Islands, and the Constitution and laws of the Northern Mariana Islands.

"ARTICLE III

"CITIZENSHIP AND NATIONALITY

"SECTION 301. The following persons and their children under the age of 18 years on the effective date of this Section, who are not citizens or nationals of the United States under any other provision of law, and who on that date do not owe allegiance to any foreign state, are declared to be citizens of the United States, except as otherwise provided in Section 302:

"(a) all persons born in the Northern Mariana Islands who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Section, and who on that date are domiciled in the Northern Mariana Islands or in the United States or any territory or possession thereof;

"(b) all persons who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Section, who have been domiciled continuously in the Northern Mariana Islands for at least five years immediately prior to that date, and who, unless under age, registered to vote in elections for the Marianas Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975; and

"(c) all persons domiciled in the Northern Mariana Islands on the day preceding the effective date of this Section, who, although not citizens of the Trust Territory of the Pacific Islands, on that date have been domiciled continuously in the Northern Mariana Islands beginning prior to January 1, 1974.

"SECTION 302. Any person who becomes a citizen of the United States solely by virtue of the provisions of Section 301 may within six months after the effective date of that Section or within six months after reaching the age of 18 years, whichever date is the later, become a national but not a citizen of the United States by making a declaration under oath before any court established by the Constitution or laws of the United States or any court of record in the Commonwealth in the form as follows:

"'I _____ being duly sworn, hereby declare my intention to be a national but not a citizen of the United States.'

"SECTION 303. All persons born in the Commonwealth on or after the effective date of this Section and subject to the jurisdiction of the United States will be citizens of the United States at birth.

"SECTION 304. Citizens of the Northern Mariana Islands will be entitled to all privileges and immunities of citizens in the several States of the United States.

"ARTICLE IV

"JUDICIAL AUTHORITY

"SECTION 401. The United States will establish for and within the Northern Mariana Islands a court of record to be known as the 'District Court for the Northern Mariana Islands'. The Northern Mariana Islands will constitute a part of the same judicial circuit of the United States as Guam.

"SECTION 402. (a) The District Court for the Northern Mariana Islands will have the jurisdiction of a district court of the United States, except that in all causes arising under the Constitution, treaties or laws of the United States it will have jurisdiction regardless of the sum or value of the matter in controversy.

"(b) The District Court will have original jurisdiction in all causes in the Northern Mariana Islands not described in Subsection (a) jurisdiction over which is not vested by the Constitution or laws of the Northern Mariana Islands in a court or courts of the Northern Mariana Islands. In causes brought in the District Court solely on the basis of this subsection, the District Court will be considered a court of the Northern Mariana Islands for the purposes of determining the requirements of indictment by grand jury or trial by jury.

"(c) The District Court will have such appellate jurisdiction as the Constitution or laws of the Northern Mariana Islands may provide. When it sits as an appellate court, the District Court will consist of three judges, at least one of whom will be a judge of a court of record of the Northern Mariana Islands.

"SECTION 403. (a) The relations between the courts established by the Constitution or laws of the United States and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus and other matters or proceedings will be governed by the laws of the United States pertaining to the relations between the courts of the United States and the courts of the several States in such matters and proceedings, except as otherwise provided in this Article; provided that for the first fifteen years following the establishment of an appellate court of the Northern Mariana Islands the United States Court of Appeals for the judicial circuit which includes the Northern Mariana Islands will have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a decision could be had in all cases involving the Constitution, treaties or laws of the United States, or any authority exercised thereunder, unless those cases are reviewable in the District Court for the Northern Mariana Islands pursuant to Subsection 402(c).

"(b) Those portions of Title 28 of the United States Code which apply to Guam or the District Court of Guam will be applicable to the Northern Mariana Islands or the District Court for the Northern Mariana Islands, respectively, except as otherwise provided in this Article.

"ARTICLE V

"APPLICABILITY OF LAWS

"SECTION 501. (a) To the extent that they are not applicable of their own force, the following provisions of the Constitution of the United States will be applicable within the Northern Mariana Islands as if the

Northern Mariana Islands were one of the several States: Article I, Section 9, Clauses 2, 3, and 8; Article I, Section 10, Clauses 1 and 3; Article IV, Section 1 and Section 2, Clauses 1 and 2; Amendments 1 through 9, inclusive; Amendment 13; Amendment 14, Section 1; Amendment 15; Amendment 19; and Amendment 26; provided, however, that neither trial by jury nor indictment by grand jury shall be required in any civil action or criminal prosecution based on local law, except where required by local law. Other provisions of or amendments to the Constitution of the United States, which do not apply of their own force within the Northern Mariana Islands, will be applicable within the Northern Mariana Islands only with approval of the Government of the Northern Mariana Islands and of the Government of the United States.

"(b) The applicability of certain provisions of the Constitution of the United States to the Northern Mariana Islands will be without prejudice to the validity of and the power of the Congress of the United States to consent to Sections 203, 506 and 805 and the proviso in Subsection (a) of this Section.

"SECTION 502. (a) The following laws of the United States in existence on the effective date of this Section and subsequent amendments to such laws will apply to the Northern Mariana Islands, except as otherwise provided in this Covenant:

"(1) those laws which provide federal services and financial assistance programs and the federal banking laws as they apply to Guam; Section 228 of Title II and Title XVI of the Social Security Act as it applies to the several States; the Public Health Service Act as it applies to the Virgin Islands; and the Micronesian Claims Act as it applies to the Trust Territory of the Pacific Islands;

"(2) those laws not described in paragraph (1) which are applicable to Guam and which are of general application to the several States as they are applicable to the several States; and

"(3) those laws not described in paragraph (1) or (2) which are applicable to the Trust Territory of the Pacific Islands, but not their subsequent amendments unless specifically made applicable to the Northern Mariana Islands, as they apply to the Trust Territory of the Pacific Islands until termination of the Trusteeship Agreement, and will thereafter be inapplicable.

"(b) The laws of the United States regarding coastal shipments and the conditions of employment, including the wages and hours of employees, will apply to the activities of the United States Government and its contractors in the Northern Mariana Islands.

"SECTION 503. The following laws of the United States, presently inapplicable to the Trust Territory of the Pacific Islands, will not apply to the Northern Mariana Islands except in the manner and to the extent made applicable to them by the Congress by law after termination of the Trusteeship Agreement:

"(a) except as otherwise provided in Section 506, the immigration and naturalization laws of the United States;

"(b) except as otherwise provided in Subsection (b) of Section 502, the coastwise laws of the United States and any prohibition in the laws of the United States against foreign vessels landing fish or unfinished fish products in the United States; and

"(c) the minimum wage provisions of Section 6, Act of June 25, 1938, 52 Stat. 1062, as amended.

"SECTION 504. The President will appoint a Commission on Federal Laws to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner. The Commission will consist of seven persons (at least four of whom will be citizens of the Trust Territory of the Pacific Islands who are and have been for at least five years domiciled continuously in the Northern Mariana Islands at the time of their appointments) who will be representative of the federal, local, private and public interests in the applicability of laws of the United States to the Northern Mariana Islands. The Commission will make its final report and recommendations to the Congress within one year after the termination of the Trusteeship Agreement, and before that time will make such interim reports and recommendations to the Congress as it considers appropriate to facilitate the transition of the Northern Mariana Islands to its new political status. In formulating its recommendations the Commission will take into consideration the potential effect of each law on local conditions within the Northern Mariana Islands, the policies embodied in the law and the provisions and purposes of this Covenant. The United States will bear the cost of the work of the Commission.

"SECTION 505. The laws of the Trust Territory of the Pacific Islands, of the Mariana Islands District and its local municipalities, and all other Executive and District orders of a local nature applicable to the Northern Mariana Islands on the effective date of this Section and not inconsistent with this Covenant or with those provisions of the Constitution, treaties or laws of the United States applicable to the Northern Mariana Islands will remain in force and effect until and unless altered by the Government of the Northern Mariana Islands.

"SECTION 506. (a) Notwithstanding the provisions of Subsection 503(a), upon the effective date of this Section the Northern Mariana Islands will be deemed to be a part of the United States under the Immigration and Nationality Act, as amended for the following purposes only, and the said Act will apply to the Northern Mariana Islands to the extent indicated in each of the following Subsections of this Section.

"(b) With respect to children born abroad to United States citizen or non-citizen national parents permanently residing in the Northern Mariana Islands the provisions of Sections 301 and 308 of the said Act will apply.

"(c) With respect to aliens who are 'immediate relatives' (as defined in Subsection 201(b) of the said Act) of United States citizens who are permanently residing in the Northern Mariana Islands all the provisions of the said Act will apply, commencing when a claim is made to entitlement to 'immediate relative' status. A person who is certified by the Government of the Northern Mariana Islands both to have been a lawful permanent resident of the Northern Mariana Islands and to have had the 'immediate relative' relationship denoted herein on the effective date of this Section will be presumed to have been admitted to the United States for lawful permanent residence as of that date without the requirement of any of the usual procedures set forth in the said Act. For the purpose of the requirements of judicial naturalization, the Northern Mariana Islands will be deemed to constitute a State as defined in Subsection 101(a) paragraph (36) of the said Act. The Courts of record of the Northern Mariana Islands and the District Court for the Northern Mariana Islands will be included among the courts specified in Subsection 310(a) of the said Act and will have jurisdiction to naturalize persons who become eligible under this Section and who reside within their respective jurisdictions.

"(d) With respect to persons who will become citizens or nationals of the United States under Article III of this Covenant or under this Section the loss of nationality provisions of the said Act will apply.

"ARTICLE VI

"REVENUE AND TAXATION

"SECTION 601. (a) The income tax laws in force in the United States will come into force in the Northern Mariana Islands as a local territorial income tax on the first day of January following the effective date of this Section, in the same manner as those laws are in force in Guam.

"(b) Any individual who is a citizen or a resident of the United States, of Guam, or of the Northern Mari-

ana Islands (including a national of the United States who is not a citizen), will file only one income tax return with respect to his income, in a manner similar to the provisions of Section 935 of Title 26, United States Code.

"(c) References in the Internal Revenue Code to Guam will be deemed also to refer to the Northern Mariana Islands, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof or of this Covenant.

"SECTION 602. The Government of the Northern Mariana Islands may by local law impose such taxes, in addition to those imposed under Section 601, as it deems appropriate and provide for the rebate of any taxes received by it, except that the power of the Government of the Northern Mariana Islands to rebate collections of the local territorial income tax received by it will be limited to taxes on income derived from sources within the Northern Mariana Islands.

"SECTION 603. (a) The Northern Mariana Islands will not be included within the customs territory of the United States.

"(b) The Government of the Northern Mariana Islands may, in a manner consistent with the international obligations of the United States, levy duties on goods imported into its territory from any area outside the customs territory of the United States and impose duties on exports from its territory.

"(c) Imports from the Northern Mariana Islands into the customs territory of the United States will be subject to the same treatment as imports from Guam into the customs territory of the United States.

"(d) The Government of the United States will seek to obtain from foreign countries favorable treatment for exports from the Northern Mariana Islands and will encourage other countries to consider the Northern Mariana Islands a developing territory.

"SECTION 604. (a) The Government of the United States may levy excise taxes on goods manufactured, sold or used or services rendered in the Northern Mariana Islands in the same manner and to the same extent as such taxes are applicable within Guam.

"(b) The Government of the Northern Mariana Islands will have the authority to impose excise taxes upon goods manufactured, sold or used or services rendered within its territory or upon goods imported into its territory, provided that such excise taxes imposed on goods imported into its territory will be consistent with the international obligations of the United States.

"SECTION 605. Nothing in this Article will be deemed to authorize the Government of the Northern Mariana Islands to impose any customs duties on the property of the United States or on the personal property of military or civilian personnel of the United States Government or their dependents entering or leaving the Northern Mariana Islands pursuant to their contract of employment or orders assigning them to or from the Northern Mariana Islands or to impose any taxes on the property, activities or instrumentalities of the United States which one of the several States could not impose; nor will any provision of this Article be deemed to affect the operation of the Soldiers and Sailors Civil Relief Act of 1940, as amended, which will be applicable to the Northern Mariana Islands as it is applicable to Guam.

"SECTION 606. (a) Not later than at the time this Covenant is approved, that portion of the Trust Territory Social Security Retirement Fund attributable to the Northern Mariana Islands will be transferred to the Treasury of the United States, to be held in trust as a separate fund to be known as the 'Northern Mariana Islands Social Security Retirement Fund'. This fund will be administered by the United States in accordance with the social security laws of the Trust Territory of the Pacific Islands in effect at the time of such transfer, which may be modified by the Government of the Northern Mariana Islands only in a manner which does not create any additional differences between the social security laws of the Trust Territory of the Pacific Islands and the laws described in Subsection (b). The United States will supplement such fund if necessary to assure that persons receive benefits therefrom comparable to those they would have received from the Trust Territory Social Security Retirement Fund under the laws applicable thereto on the day preceding the establishment of the Northern Mariana Islands Social Security Retirement Fund, so long as the rate of contributions thereto also remains comparable.

"(b) Those laws of the United States which impose excise and self-employment taxes to support or which provide benefits from the United States Social Security System will upon termination of the Trusteeship Agreement or such earlier date as may be agreed to by the Government of the Northern Mariana Islands and the Government of the United States become applicable to the Northern Mariana Islands as they apply to Guam.

"(c) At such time as the laws described in Subsection (b) become applicable to the Northern Mariana Islands:

"(1) the Northern Mariana Islands Social Security Retirement Fund will be transferred into the appropriate Federal Social Security Trust Funds;

"(2) prior contributions by or on behalf of persons domiciled in the Northern Mariana Islands to the Trust Territory Social Security Retirement Fund or the Northern Mariana Islands Social Security Retirement Fund will be considered to have been made to the appropriate Federal Social Security Trust Funds for the purpose of determining eligibility of those persons in the Northern Mariana Islands for benefits under those laws; and

"(3) persons domiciled in the Northern Mariana Islands who are eligible for or entitled to social security benefits under the laws of the Trust Territory of the Pacific Islands or of the Northern Mariana Islands will not lose their entitlement and will be eligible for or entitled to benefits under the laws described in Subsection (b).

"SECTION 607. (a) All bonds or other obligations issued by the Government of the Northern Mariana Islands or by its authority will be exempt, as to principal and interest, from taxation by the United States, or by any State, territory or possession of the United States, or any political subdivision of any of them.

"(b) During the initial seven year period of financial assistance provided for in Section 702, and during such subsequent periods of financial assistance as may be agreed, the Government of the Northern Mariana Islands will authorize no public indebtedness (other than bonds or other obligations of the Government payable solely from revenues derived from any public improvement or undertaking) in excess of ten percentum of the aggregate assessed valuation of the property within the Northern Mariana Islands.

"ARTICLE VII

"UNITED STATES FINANCIAL ASSISTANCE

"SECTION 701. The Government of the United States will assist the Government of the Northern Mariana Islands in its efforts to achieve a progressively higher standard of living for its people as part of the American economic community and to develop the economic resources needed to meet the financial responsibilities of local self-government. To this end, the United States will provide direct multi-year financial support to the Government of the Northern Mariana Islands for local government operations, for capital improvement programs and for economic development. The initial period of such support will be seven years, as provided in Section 702.

"SECTION 702. Approval of this Covenant by the United States will constitute a commitment and pledge of the full faith and credit of the United States for the payment, as well as an authorization for the appropriation, of the following guaranteed annual levels of direct grant assistance to the Government of the Northern Mariana Islands for each of the seven fiscal years following the effective date of this Section:

"(a) $8.25 million for budgetary support for government operations, of which $250,000 each year will be reserved for a special education training fund connected with the change in the political status of the Northern Mariana Islands;

"(b) $4 million for capital improvement projects, of which $500,000 each year will be reserved for such projects on the Island of Tinian and $500,000 each year will be reserved for such projects on the Island of Rota; and

"(c) $1.75 million for an economic development loan fund, of which $500,000 each year will be reserved for small loans to farmers and fishermen and to agricultural and marine cooperatives, and of which $250,000 each year will be reserved for a special program of low interest housing loans for low income families.

"SECTION 703. (a) The United States will make available to the Northern Mariana Islands the full range of federal programs and services available to the territories of the United States. Funds provided under Section 702 will be considered to be local revenues of the Government of the Northern Mariana Islands when used as the local share required to obtain federal programs and services.

"(b) There will be paid into the Treasury of the Government of the Northern Mariana Islands, to be expended to the benefit of the people thereof as that Government may by law prescribe, the proceeds of all customs duties and federal income taxes derived from the Northern Mariana Islands, the proceeds of all taxes collected under the internal revenue laws of the United States on articles produced in the Northern Mariana Islands and transported to the United States, its territorites or possessions, or consumed in the Northern Mariana Islands, the proceeds of any other taxes which may be levied by the Congress on the inhabitants of the Northern Mariana Islands, and all quarantine, passport, immigration and naturalization fees collected in the Northern Mariana Islands, except that nothing in this Section shall be construed to apply to any tax imposed by Chapters 2 or 21 of Title 26, United States Code.

"SECTION 704. (a) Funds provided under Section 702 not obligated or expended by the Government of the Northern Mariana Islands during any fiscal year will remain available for obligation or expenditure by that Government in subsequent fiscal years for the purposes for which the funds were appropriated.

"(b) Approval of this Covenant by the United States will constitute an authorization for the appropriation of a pro-rata share of the funds provided under Section 702 for the period between the effective date of this Section and the beginning of the next succeeding fiscal year.

"(c) The amounts stated in Section 702 will be adjusted for each fiscal year by a percentage which will be the same as the percentage change in the United States Department of Commerce composite price index using the beginning of Fiscal Year 1975 as the base.

"(d) Upon expiration of the seven year period of guaranteed annual direct grant assistance provided by Section 702, the annual level of payments in each category listed in Section 702 will continue until Congress appropriates a different amount or otherwise provides by law.

"ARTICLE VIII

"PROPERTY

"SECTION 801. All right, title and interest of the Government of the Trust Territory of the Pacific Islands in and to real property in the Northern Mariana Islands on the date of the signing of this Covenant or thereafter acquired in any manner whatsoever will, no later than upon the termination of the Trusteeship Agreement, be transferred to the Government of the Northern Mariana Islands. All right, title and interest of the Government of the Trust Territory of the Pacific Islands in and to all personal property on the date of the signing of this Covenant or thereafter acquired in any manner whatsoever will, no later than upon the termination of the Trusteeship Agreement, be distributed equitably in a manner to be determined by the Government of the Trust Territory of the Pacific Islands in consultation with those concerned, including the Government of the Northern Mariana Islands.

"SECTION 802. (a) The following property will be made available to the Government of the United States by lease to enable it to carry out its defense responsibilities:

"(1) on Tinian Island, approximately 17,799 acres (7,203 hectares) and the waters immediately adjacent thereto;

"(2) on Saipan Island, approximately 177 acres (72 hectares) at Tanapag Harbor; and

"(3) on Farallon de Medinilla Island, approximately 206 acres (83 hectares) encompassing the entire island, and the waters immediately adjacent thereto.

"(b) The United States affirms that it has no present need for or present intention to acquire any greater interest in property listed above than that which is granted to it under Subsection 803(a), or to acquire any property in addition to that listed in Subsection (a), above, in order to carry out its defense responsibilities.

"SECTION 803. (a) The Government of the Northern Mariana Islands will lease the property described in Subsection 802(a) to the Government of the United States for a term of fifty years, and the Government of the United States will have the option of renewing this lease for all or part of such property for an additional term of fifty years if it so desires at the end of the first term.

"(b) The Government of the United States will pay to the Government of the Northern Mariana Islands in full settlement of this lease, including the second fifty year term of the lease if extended under the renewal option, the total sum of $19,520,600, determined as follows:

"(1) for that property on Tinian Island, $17.5 million;

"(2) for that property at Tanapag Harbor on Saipan Island, $2 million; and

"(3) for that property known as Farallon de Medinilla, $20,600.

The sum stated in this Subsection will be adjusted by a percentage which will be the same as the percentage change in the United States Department of Commerce composite price index from the date of signing the Covenant.

"(c) A separate Technical Agreement Regarding Use of Land To Be Leased by the United States in the Northern Mariana Islands will be executed simultaneously with this Covenant. The terms of the lease to the United States will be in accordance with this Section and with the terms of the Technical Agreement. The Technical Agreement will also contain terms relating to the leaseback of property, to the joint use arrangements for San Jose Harbor and West Field on Tinian Island, and to the principles which will govern the social structure relations between the United States military and the Northern Mariana Islands civil authorities.

"(d) From the property to be leased to it in accordance with this Covenant the Government of the United States will lease back to the Government of the Northern Mariana Islands, in accordance with the Technical Agreement, for the sum of one dollar per acre per year, approximately 6,458 acres (2,614 hectares) on Tinian Island and approximately 44 acres (18 hectares) at Tanapag Harbor on Saipan Island, which will be used for purposes compatible with their intended military use.

"(e) From the property to be leased to it at Tanapag Harbor on Saipan Island the Government of the United States will make available to the Government of the Northern Mariana Islands 133 acres (54 hectares) at no cost. This property will be set aside for public use as an American memorial park to honor the

American and Marianas dead in the World War II Marianas Campaign. The $2 million received from the Government of the United States for the lease of this property will be placed into a trust fund, and used for the development and maintenance of the park in accordance with the Technical Agreement.

"SECTION 804. (a) The Government of the United States will cause all agreements between it and the Government of the Trust Territory of the Pacific Islands which grant to the Government of the United States use or other rights in real property in the Northern Mariana Islands to be terminated upon or before the effective date of the Section. All right, title and interest of the Government of the Trust Territory of the Pacific Islands in and to any real property with respect to which the Government of the United States enjoys such use or other rights will be transferred to the Government of the Northern Mariana Islands at the time of such termination. From the time such right, title and interest is so transferred the Government of the Northern Mariana Islands will assure the Government of the United States the continued use of the real property then actively used by the Government of the United States for civilian governmental purposes on terms comparable to those enjoyed by the Government of the United States under its arrangements with the Government of the Trust Territory of the Pacific Islands on the date of the signature of this Covenant.

"(b) All facilities at Isely Field developed with federal aid and all facilities at that field usable for the landing and take-off of aircraft will be available to the United States for use by military and naval aircraft, in common with other aircraft, at all times without charge, except, if the use by military and naval aircraft shall be substantial, a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities so used may be charged at a rate established by agreement between the Government of the Northern Mariana Islands and the Government of the United States.

"SECTION 805. Except as otherwise provided in this Article, and notwithstanding the other provisions of this Covenant, or those provisions of the Constitution, treaties or laws of the United States applicable to the Northern Mariana Islands, the Government of the Northern Mariana Islands, in view of the importance of the ownership of land for the culture and traditions of the people of the Northern Mariana Islands, and in order to protect them against exploitation and to promote their economic advancement and self-sufficiency:

"(a) will until twenty-five years after the termination of the Trusteeship Agreement, and may thereafter, regulate the alienation of permanent and long-term interests in real property so as to restrict the acquisition of such interests to persons of Northern Mariana Islands descent; and

"(b) may regulate the extent to which a person may own or hold land which is now public land.

"SECTION 806. (a) The United States will continue to recognize and respect the scarcity and special importance of land in the Northern Mariana Islands. If the United States must acquire any interest in real property not transferred to it under this Covenant, it will follow the policy of seeking to acquire only the minimum area necessary to accomplish the public purpose for which the real property is required, of seeking only the minimum interest in real property necessary to support such public purpose, acquiring title only if the public purpose cannot be accomplished if a lesser interest is obtained, and of seeking first to satisfy its requirement by acquiring an interest in public rather than private real property.

"(b) The United States may, upon prior written notice to the Government of the Northern Mariana Islands, acquire for public purposes in accordance with federal laws and procedures any interest in real property in the Northern Mariana Islands by purchase, lease, exchange, gift or otherwise under such terms and conditions as may be negotiated by the parties. The United States will in all cases attempt to acquire any interest in real property for public purposes by voluntary means under this Subsection before exercising the power of eminent domain. No interest in real property will be acquired unless duly authorized by the Congress of the United States and appropriations are available therefor.

"(c) In the event it is not possible for the United States to obtain an interest in real property for public purposes by voluntary means, it may exercise within the Commonwealth the power of eminent domain to the same extent and in the same manner as it has and can exercise the power of eminent domain in a State of the Union. The power of eminent domain will be exercised within the Commonwealth only to the extent necessary and in compliance with applicable United States laws, and with full recognition of the due process required by the United States Constitution.

"ARTICLE IX

"NORTHERN MARIANA ISLANDS REPRESENTATIVE AND CONSULTATION

"SECTION 901. The Constitution or laws of the Northern Mariana Islands may provide for the appointment or election of a Resident Representative to the United States, whose term of office will be two years, unless otherwise determined by local law, and who will be entitled to receive official recognition as such Representative by all of the departments and agencies of the Government of the United States upon presentation through the Department of State of a certificate of selection from the Governor. The Representative must be a citizen and resident of the Northern Mariana Islands, at least twenty-five years of age, and, after termination of the Trusteeship Agreement, a citizen of the United States.

"SECTION 902. The Government of the United States and the Government of the Northern Mariana Islands will consult regularly on all matters affecting the relationship between them. At the request of either Government, and not less frequently than every ten years, the President of the United States and the Governor of the Northern Mariana Islands will designate special representatives to meet and to consider in good faith such issues affecting the relationship between the Northern Mariana Islands and the United States as may be designated by either Government and to make a report and recommendations with respect thereto. Special representatives will be appointed in any event to consider and to make recommendations regarding future multi-year financial assistance to the Northern Mariana Islands pursuant to Section 701, to meet at least one year prior to the expiration of every period of such financial assistance.

"SECTION 903. Nothing herein shall prevent the presentation of cases or controversies arising under this Covenant to courts established by the Constitution or laws of the United States. It is intended that any such cases or controversies will be justifiable in such courts and that the undertakings by the Government of the United States and by the Government of the Northern Mariana Islands provided for in this Covenant will be enforceable in such courts.

"SECTION 904. (a) The Government of the United States will give sympathetic consideration to the views of the Government of the Northern Mariana Islands on international matters directly affecting the Northern Mariana Islands and will provide opportunities for the effective presentation of such views to no less extent than such opportunities are provided to any other territory or possession under comparable circumstances.

"(b) The United States will assist and facilitate the establishment by the Northern Mariana Islands of offices in the United States and abroad to promote local tourism and other economic or cultural interests of the Northern Mariana Islands.

"(c) On its request the Northern Mariana Islands may participate in regional and other international organizations concerned with social, economic, educational, scientific, technical and cultural matters when

similar participation is authorized for any other territory or possession of the United States under comparable circumstances.

"ARTICLE X

"APPROVAL, EFFECTIVE DATES, AND DEFINITIONS

"SECTION 1001. (a) This Covenant will be submitted to the Mariana Islands District Legislature for its approval. After its approval by the Mariana Islands District Legislature, this Covenant will be submitted to the people of the Northern Mariana Islands for approval in a plebiscite to be called by the United States. Only persons who are domiciled exclusively in the Northern Mariana Islands and who meet such other qualifications, including timely registration, as are promulgated by the United States as administering authority will be eligible to vote in the plebiscite. Approval must be by a majority of at least 55% of the valid votes cast in the plebiscite. The results of the plebiscite will be certified to the President of the United States.

"(b) This Covenant will be approved by the United States in accordance with its constitutional processes and will thereupon become law.

"SECTION 1002. The President of the United States will issue a proclamation announcing the termination of the Trusteeship Agreement, or the date on which the Trusteeship Agreement will terminate, and the establishment of the Commonwealth in accordance with this Covenant. Any determination by the President that the Trusteeship Agreement has been terminated or will be terminated on a day certain will be final and will not be subject to review by any authority, judicial or otherwise, of the Trust Territory of the Pacific Islands, the Northern Mariana Islands or the United States.

"SECTION 1003. The provisions of this Covenant will become effective as follows, unless otherwise specifically provided:

"(a) Sections 105, 201-203, 503, 504, 606, 801, 903 and Article X will become effective on approval of this Covenant;

"(b) Sections 102, 103, 204, 304, Article IV, Sections 501, 502, 505, 601-605, 607, Article VII, Sections 802-805, 901 and 902 will become effective on a date to be determined and proclaimed by the President of the United States which will be not more than 180 days after this Covenant and the Constitution of the Northern Mariana Islands have both been approved; and

"(c) The remainder of this Covenant will become effective upon the termination of the Trusteeship Agreement and the establishment of the Commonwealth of the Northern Mariana Islands.

"SECTION 1004. (a) The application of any provision of the Constitution or laws of the United States which would otherwise apply to the Northern Mariana Islands may be suspended until termination of the Trusteeship Agreement if the President finds and declares that the application of such provision prior to termination would be inconsistent with the Trusteeship Agreement.

"(b) The Constitution of the Northern Mariana Islands will become effective in accordance with its terms on the same day that the provisions of this Covenant specified in Subsection 1003(b) become effective, provided that if the President finds and declares that the effectiveness of any provision of the Constitution of the Northern Mariana Islands prior to termination of the Trusteeship Agreement would be inconsistent with the Trusteeship Agreement such provision will be ineffective until termination of the Trusteeship Agreement. Upon the establishment of the Commonwealth of the Northern Mariana Islands the Constitution will become effective in its entirety in accordance with its terms as the Constitution of the Commonwealth of the Northern Mariana Islands.

"SECTION 1005. As used in this Covenant:

"(a) 'Trusteeship Agreement' means the Trusteeship Agreement for the former Japanese Mandated Islands concluded between the Security Council of the United Nations and the United States of America, which entered into force on July 18, 1947;

"(b) 'Northern Mariana Islands' means the area now known as the Mariana Islands District of the Trust Territory of the Pacific Islands, which lies within the area north of 14° north latitude, south of 21° north latitude, west of 150° east longitude and east of 144° east longitude;

"(c) 'Government of the Northern Mariana Islands' includes, as appropriate, the Government of the Mariana Islands District of the Trust Territory of the Pacific Islands at the time this Covenant is signed, its agencies and instrumentalities, and its successors, including the Government of the Commonwealth of the Northern Mariana Islands;

"(d) 'Territory or possession' with respect to the United States includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa;

"(e) 'Domicile' means that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period.

"Signed at Saipan, Mariana Islands on the fifteenth day of February, 1975.

"For the people of the Northern Mariana Islands:

EDWARD DLG. PANGELINAN,
CHAIRMAN, MARIANAS
POLITICAL STATUS COMMISSION.

VICENTE N. SANTOS.
VICE CHAIRMAN, MARIANAS
POLITICAL STATUS COMMISSION.

"For the United States of America:

AMBASSADOR F. HAYDN WILLIAMS,
PERSONAL REPRESENTATIVE OF THE
PRESIDENT OF THE UNITED STATES.

"Members of the Marianas Political Status Commission:

JUAN LG. CABRERA.
VICENTE T. CAMACHO.
JOSE R. CRUZ.
BERNARD V. HOFSCHNEIDER.
BENJAMIN T. MANGLONA.
DANIEL T. MUNA.
Dr. FRANCISCO T. PALACIOS.
JOAQUIN I. PANGELINAN.
MANUEL A. SABLAN.
JOANNES B. TAIMANAO.
PEDRO A. TENORIO."

SEC. 2. It is the sense of the Congress that, pursuant to section 902 of the foregoing Covenant, and in any case within ten years from the date of the enactment of this resolution, the President of the United States should request, on behalf of the United States, the designation of special representatives to meet and to consider in good faith such issues affecting the relationship between the Northern Mariana Islands and the United States as may be designated by either Government and to make a report and recommendations with respect thereto.

AUTHORIZATION OF APPROPRIATIONS FOR TRANSITION OF MARIANA ISLANDS DISTRICT TO COMMONWEALTH STATUS

Pub. L. 94-27, § 2, May 28, 1975, 89 Stat. 95, provided that: "There is authorized to be appropriated $1,500,000 to aid in the transition of the Mariana Islands District to a new Commonwealth status as a territory of the United States: *Provided, however,* That no part of such sum may be obligated or expended until final agreement between Marianas Political Status Commission and the United States has been approved by the Congress."

EXECUTIVE ORDER No. 10265

Ex. Ord. No. 10265, eff. June 29, 1951, 16 F.R. 6419, which related to transfer of administration of Trust

Territory of the Pacific Islands, was superseded by Ex. Ord. No. 11021, eff. May 8, 1962, 27 F.R. 4409, set out below.

EX. ORD. NO. 11021. ADMINISTRATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

Ex. Ord. No. 11021, eff. May 7, 1962, 27 F.R. 4409, as amended by Ex. Ord. No. 11944, eff. Oct. 25, 1976, 41 F.R. 47215, provided:

WHEREAS the Trust Territory of the Pacific Islands was placed under the trusteeship system established in the Charter of the United Nations by means of a trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process (hereafter referred to as the trusteeship agreement); and

WHEREAS the United States of America was designated under the terms of the trusteeship agreement as the administering authority of the Trust Territory referred to above (hereinafter referred to as the trust territory); and

WHEREAS the United States has heretofore assumed obligations for the civil administration of the trust territory and has carried out such civil administration under the provisions of Executive Orders Nos. 9875 of July 18, 1947, 10265 of June 29, 1951, 10408 of November 10, 1952, and 10470 of July 17, 1953; and

WHEREAS thereunder the Secretary of the Navy is now responsible for the civil administration of the Northern Mariana Islands except the Island of Rota and the Secretary of the Interior is responsible for the civil administration of all of the remainder of the trust territory; and

WHEREAS it appears that the purposes of the trusteeship agreement can best be effectuated at this time by placing in the Secretary of the Interior responsibility for the civil administration of all of the trust territory:

NOW, THEREFORE, by virtue of the authority vested in me by the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681) and as President of the United States, it is ordered as follows:

SECTION 1. *Responsibility of Secretary of the Interior.* The responsibility for the administration of civil government in all of the trust territory, and all executive, legislative, and judicial authority necessary for that administration, are hereby vested in the Secretary of the Interior. Subject to such policies as the President may from time to time prescribe, and in harmony with applicable law, and, where advantageous, in collaboration with other departments and agencies of the Government, the Secretary of the Interior shall take such actions as may be necessary and appropriate to carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement and under the Charter of the United Nations: *Provided however,* That the authority to specify parts or all of the trust territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such close areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: *And provided further,* That the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the trust territory affecting the foreign policy of the United States and shall consult with the Secretary of State on questions of policy concerning the trust territory which relate to the foreign policy of the United States, and that all relations between the departments and agencies of the Government and appropriate organs of the United Nations with respect to the trust territory shall be conducted through the Secretary of State.

SEC. 2. *Redelegation of authority.* The executive, legislative, and judicial authority provided for in section 1 of this order may be exercised through such officers or employees of the Department of the Interior, or through such other persons under the jurisdiction of the Secretary of the Interior, as the Secretary may designate, and shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize, except that the Secretary may, with the approval of the Secretary of the Treasury, delegate to the Secretary of the Treasury so much of this authority as is necessary to effectuate the purposes of Section 606(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241, 90 Stat. 263, 48 U.S.C. 1681 note), which authority is to be exercised in such manner as shall be agreed upon by the Secretary of the Interior and the Secretary of the Treasury.

SEC. 3. *Cooperation with Department of the Interior.* The executive departments and agencies of the Government shall cooperate with the Department of the Interior in the effectuation of the provisions of this order.

SEC. 4. *Prior orders.* To the extent not heretofore superseded or otherwise rendered inapplicable, the following are hereby superseded:

(1) Executive Order No. 10265 of June 29, 1951.

(2) Executive Order No. 10408 of November 10, 1952.

(3) Executive Order No. 10470 of July 17, 1953.

SEC. 5. *Saving provisions.* (a) Existing laws, regulations, orders, appointments, or other acts promulgated, made, or taken by the Secretary of the Interior or his delegates under the authority of Executive Order No. 10265, as amended and in effect immediately prior to the effective date of this order, shall remain in effect until they are superseded in pursuance of the provisions of this order.

(b) Nothing contained in this order shall be construed as modifying the rights or obligation of the United States under the provisions of the trusteeship agreement or as affecting or modifying the responsibility of the Secretary of State to interpret the rights and obligations of the United States arising out of that agreement.

SEC. 6. *Effective date.* The provisions of this order shall become effective on July 1, 1962.

JOHN F. KENNEDY.

AUTHORIZING APPROVAL OF TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF THE PACIFIC ISLANDS

Act July 18, 1947, ch. 271, 61 Stat. 397, provided:

"Whereas the United States submitted to the Security Council of the United Nations for its approval in accordance with article 83 of the Charter of the United Nations a proposed trusteeship agreement for the Pacific Islands formerly mandated to Japan under which the United States would be prepared to administer those islands under trusteeship in accordance with the Charter of the United Nations; and

"Whereas the Security Council on April 2, 1947, approved unanimously the trusteeship agreement with amendments acceptable to the United States; and

"Whereas the said agreement, having been approved by the Security Council, will come into force upon approval by the Government of the United States after due constitutional process: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to approve, on behalf of the United States, the trusteeship agreement between the United States of America and the Security Council of the United Nations for the former Japanese mandated islands (to be known as the Territory of the Pacific Islands) which was approved by the Security Council at the seat of the United Nations, Lake Success, Nassau County, New York, on April 2, 1947.

SIMILAR PROVISIONS

Similar provisions continuing the civil government for the Trust Territory of the Pacific Islands until June 30, 1954, were contained in act Aug. 8, 1953, ch. 383, §§ 1, 2, 67 Stat. 494.

APPOINTMENT OF HIGH COMMISSIONER

Appointment of High Commissioner by the President by and with the advice and consent of the Senate, see section 1681a of this title.

DISASTER RELIEF

Section 3 of act June 30, 1954, ch. 423, as added Pub. L. 90-617, § 2, Oct. 21, 1968, 82 Stat. 1213, and amended Pub. L. 91-606, title III, § 301(k), Dec. 31, 1970, 84 Stat. 1759; Pub. L. 93-288, title VI, § 602(k), May 22, 1974, 88 Stat. 164, provided that: "There are hereby authorized to be appropriated such sums as the Secretary of the Interior may find necessary, but not to exceed $10,000,000 for any one year, to alleviate suffering and damage resulting from major disasters that occur in the Trust Territory of the Pacific Islands. Such sums shall be in addition to those authorized in section 2 of this Act [set out as a note above] and shall not be subject to the limitations imposed by section 2 of this Act. The Secretary of the Interior shall determine whether or not a major disaster has occurred in accordance with the principles and policies of sections 102(2) and 301 of the Disaster Relief Act of 1974 [sections 5122(2) and 5141 of Title 42, The Public Health and Welfare]."

ISLAND TRADING COMPANY OF MICRONESIA

Act Aug. 8, 1953 ch. 383, § 3, 67 Stat. 494, provided that notwithstanding the provisions of the Interior Department Appropriation Act, 1953 (Pub. L. 470, ch. 597, 66 Stat. 445), the Island Trading Company of Micronesia not have succession after Dec. 31, 1954.

§ 1681a. Appointment of High Commissioner

Any appointment made on or after May 10, 1967, to the office of the High Commissioner of the Trust Territory of the Pacific Islands shall be made by the President by and with the advice and consent of the Senate.

(Pub. L. 90-16, § 2, May 10, 1967, 81 Stat. 15.)

§ 1681b. Government comptroller of Guam; additional duties

(a) General provision; general supervision of Secretary of the Interior; other than executive department status; apportionment of salary and expenses between Guam and Trust Territory

The government comptroller for Guam appointed pursuant to the provisions of section 9-A of the Organic Act of Guam [48 U.S.C. 1422d] shall, in addition to the duties imposed on him by such Act [48 U.S.C. 1421 et seq.], carry out, on and after September 21, 1973, the duties set forth in this section with respect to the government of the Trust Territory of the Pacific Islands. In carrying out such duties, the comptroller shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Trust Territory of the Pacific Islands. The salary and expenses of the comptroller's office shall, notwithstanding the provisions of subsection (a) of section 9-A of the Organic Act of Guam, be apportioned equitably by the Secretary of the Interior between Guam and the Trust Territory of the Pacific Islands from funds available to Guam and the trust territory.

(b) Auditing function

The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of the Trust Territory of the Pacific Islands and of funds derived from bond issues; and he shall audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Trust Territory of the Pacific Islands including those pertaining to trust funds held by such government.

(c) Reporting and additional auditing function

It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the High Commissioner of the Trust Territory of the Pacific Islands all failures to collect amounts due the government, and the expenditures of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of the Trust Territory of the Pacific Islands, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of such government are properly accounted for and audited.

(d) Decisions of comptroller general; administrative review

The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the High Commissioner, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

(e) Judicial review

If the High Commissioner does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the High Commissioner, on behalf of the head of the department concerned, may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction.

(f) Official communications; witnesses and oaths

The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(g) Annual report to Congress

As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the High Commissioner and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

(h) Miscellaneous reports

The government comptroller shall make such other reports as may be required by the High Commissioner, the Comptroller General of the United States, or the Secretary of the Interior.

(i) Office and activities subject to review by Comptroller General of the United States

The office and activities of the government comptroller pursuant to this section shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the High Commissioner, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives.

(j) Collection of data; access to government records

All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment.

(June 30, 1954, ch. 423, § 4, as added Sept. 21, 1973, Pub. L. 93-111, § 2, 87 Stat. 354.)

REFERENCES IN TEXT

Such Act, referred to in subsec. (a), means the Organic Act of Guam, act Aug. 1, 1950, ch. 512, 64 Stat. 384, as amended, which is classified principally to chapter 8A (§ 1421 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables volume.

§ 1682. Purchases by governments of Pacific Trust Territory

The Territorial and local governments of the Trust Territory of the Pacific Islands are authorized to make purchases through the General Services Administration.

(Pub. L. 94-373, title I, § 100, July 31, 1976, 90 Stat. 1053.)

SIMILAR PROVISIONS

Section is from the Department of the Interior and Related Agencies Appropriation Act, 1977. Similar provisions were contained in the following prior appropriation acts:

Dec. 23, 1975, Pub. L. 94-165, title I, § 100, 89 Stat. 988.
Aug. 31, 1974, Pub. L. 93-404, title I, § 100, 88 Stat. 813.
Oct. 4, 1973, Pub. L. 93-120, title I, § 100, 87 Stat. 434.
Aug. 10, 1972, Pub. L. 92-369, title I, § 100, 86 Stat. 513.
Aug. 10, 1971, Pub. L. 92-76, title I, § 100, 85 Stat. 233.
July 31, 1970, Pub. L. 91-361, title I, § 100, 84 Stat. 673.
Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 151.
July 26, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 430.
June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 63.
May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 174.
June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 179.
July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 278.
July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 102.
Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 340.
Aug. 3, 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 251.
May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 112.
June 23, 1959, Pub. L. 86-60, title I, § 100, 73 Stat. 101.
June 4, 1958, Pub. L. 85-439, title I, § 100, 72 Stat. 164.
July 1, 1957, Pub. L. 85-77, title I, § 1, 71 Stat. 266.
June 13, 1956, ch. 380, title I, § 101, 70 Stat. 265.
June 16, 1955, ch. 147, title I, § 1, 69 Stat. 149.
July 1, 1954, ch. 446, title I, § 101, 68 Stat. 372.
July 31, 1953, ch. 298, title I, § 1, 67 Stat. 273.
July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458.
Aug. 31, 1951, ch. 371, title I, § 101, 65 Stat. 263.

CROSS REFERENCES

Similar provisions relating to the Virgin Islands, Guam, and American Samoa, see sections 1401f, 1423*l*, and 1665 of this title, respectively.

§ 1683. Auditing of transactions of Pacific Trust Territory

All financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921, as amended [31 U.S.C. 1 et seq.], and the Accounting and Auditing Act of 1950 [31 U.S.C. 65 et seq.].

(Pub. L. 94-373, title I, § 100, July 31, 1976, 90 Stat. 1053.)

REFERENCES IN TEXT

The Budget and Accounting Act, 1921, as amended, referred to in text, is act June 10, 1921, ch. 18, 42 Stat. 20, as amended, which is classified principally to chapter 1 (§ 1 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see section 1 of Title 31 and Tables volume.

The Accounting and Auditing Act of 1950, referred to in text, is act Sept. 12, 1950, ch. 946, title I, part II, 64 Stat. 834, as amended, which is classified generally to chapter 1A (§ 65 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 65 of Title 31 and Tables volume.

CODIFICATION

Section was formerly classified to section 1436 of this title.

SIMILAR PROVISIONS

Section is from the Department of the Interior and Related Agencies Appropriation Act, 1977. Similar provisions were contained in the following prior appropriation acts:

Dec. 23, 1975, Pub. L. 94-165, title I, § 100, 89 Stat. 988.
Aug. 31, 1974, Pub. L. 93-404, title I, § 100, 88 Stat. 813.
Oct. 4, 1973, Pub. L. 93-120, title I, § 100, 87 Stat. 434.
Aug. 10, 1972, Pub. L. 92-369, title I, § 100, 86 Stat. 513.
Aug. 10, 1971, Pub. L. 92-76, title I, § 100, 85 Stat. 233.
July 31, 1970, Pub. L. 91-361, title I, § 100, 84 Stat. 673.
Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 151.
July 26, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 430.

June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 63.
May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 174.
June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 179.
July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 278.
July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 102.
Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 340.
Aug. 3, 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 251.
May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 112.
June 23, 1959, Pub. L. 86-60, title I, § 100, 73 Stat. 101.
June 4, 1958, Pub. L. 85-439, title I, § 100, 72 Stat. 164.
July 1, 1957, Pub. L. 85-77, title I, § 1, 71 Stat. 266.
June 13, 1956, ch. 380, title I, § 101, 70 Stat. 265.
June 16, 1955, ch. 147, title I, § 1, 69 Stat. 149.
July 1, 1954, ch. 446, title I, § 101, 68 Stat. 372.
July 31, 1953, ch. 298, title I, § 1, 67 Stat. 273.
July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458.

§ 1684. Expenditure of funds for administration of Pacific Trust Territory

After June 30, 1954, no funds appropriated by any Act and no funds which are available or which may become available from any source whatever shall be used for administration of the Trust Territory of the Pacific Islands, except as may be specifically authorized by law.

(July 31, 1953, ch. 298, title I, § 1, 67 Stat. 273.)

Codification

Section was formerly classified to section 1437 of this title.

Similar Provisions

Section is from the Interior Department Appropriation Act, 1954, act July 31, 1954. Similar provisions were contained in the Interior Department Appropriation Act, 1953, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458.

§ 1685. Transfer of property or money for administration of Pacific Trust Territory

After June 30, 1952, transfers to the Department of the Interior pursuant to the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 471 et seq.] of equipment, material and supplies, excess to the needs of Federal agencies may be made at the request of the Secretary of the Interior without reimbursement or transfer of funds when required by the Interior Department for operations conducted in the administration of the Territories and the Trust Territory of the Pacific Islands.

(July 9, 1952, ch. 597, title I, § 108, 66 Stat. 460.)

References in Text

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that Act relating to transfers between Federal agencies of equipment, material, and supplies are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables volume.

Codification

Section was formerly classified to section 1438 of this title.

§ 1686. Omitted

Codification

Section, act July 31, 1953, ch. 298, title I, § 1, 67 Stat. 274, which prohibited new activity in the Trust Territory of the Pacific Islands requiring expenditures of Federal funds without specific prior approval of Congress, was omitted from the Code as not repeated in subsequent appropriation acts. Section was formerly classified to section 1439 of this title.

§ 1687. Expenditure of appropriations for Pacific Trust Territory for surface vessels

Appropriations available for the Administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

(Pub. L. 94-373, title I, § 100, July 31, 1976, 90 Stat. 1053.)

Codification

Section was formerly classified to section 1440 of this title.

Similar Provisions

Section is from the Department of Interior and Related Agencies Appropriation Act, 1977. Similar provisions were contained in the following prior appropriation acts:
Dec. 23, 1975, Pub. L. 94-165, title I, § 100, 89 Stat. 988.
Aug. 31, 1974, Pub. L. 93-404, title I, § 100, 88 Stat. 813.
Oct. 4, 1973, Pub. L. 93-120, title I, § 100, 87 Stat. 434.
Aug. 10, 1972, Pub. L. 92-369, title I, § 100, 86 Stat. 513.
Aug. 10, 1971, Pub. L. 92-76, title I, § 100, 85 Stat. 233.
July 31, 1970, Pub. L. 91-361, title I, § 100, 84 Stat. 673.
Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 152.
July 26, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 431.
June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 63.
May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 174.
June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 179.
July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 278.
July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 102.
Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 340.
Aug. 3, 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 251.
May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 113.
June 23, 1959, Pub. L. 86-60, title I, § 100, 73 Stat. 101.
June 4, 1958, Pub. L. 85-439, title I, § 100, 72 Stat. 164.
July 1, 1957, Pub. L. 85-77, title I, § 1, 71 Stat. 266.
June 13, 1956, ch. 380, title I, § 101, 70 Stat. 265.
June 16, 1955, ch. 147, title I, § 1, 69 Stat. 149.
July 1, 1954, ch. 446, title I, § 1, 68 Stat. 372.

§ 1688. Trust Territory Economic Development Loan Fund

For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the government of the Trust Territory of the

Pacific Islands as a grant in accordance with the provisions of sections 1688 to 1693 of this title, an amount which when added to the development fund established pursuant to section 3 of the Act of August 22, 1964 (78 Stat. 601), as augmented by subsequent Federal grants, will create a total fund of $5,000,000, which shall thereafter be known as the Trust Territory Economic Development Loan Fund.

(Pub. L. 92-257, § 1, Mar. 21, 1972, 86 Stat. 87.)

REFERENCES IN TEXT

Section 3 of Act August 22, 1964 (78 Stat. 601), referred to in text, is section 3 of act Aug. 22, 1964, Pub. L. 88-487, 78 Stat. 601, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1689, 1690, 1692 of this title.

§ 1689. Plan for use of grant to Trust Territory Economic Development Loan Fund; loans; terms

The grant authorized by section 1688 of this title shall be made only after the government of the Trust Territory of the Pacific Islands has submitted to the Secretary of the Interior a plan for the use of the grant, and the plan has been approved by the Secretary. The plan shall provide among other things for a revolving fund to make loans or to guarantee loans to private enterprise. The term of any loan made pursuant to the plan shall not exceed twenty-five years.

(Pub. L. 92-257, § 2, Mar. 21, 1972, 86 Stat. 87.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1688, 1690, 1691, 1692 of this title.

§ 1690. Loans from Trust Territory Economic Loan Fund; restrictions; guarantees

No loan or loan guarantee shall be made under sections 1688 to 1693 of this title to any applicant who does not satisfy the territorial administering agency that financing is otherwise unavailable on reasonable terms and conditions. No loan or loan guarantee shall exceed (1) the amount which can reasonably be expected to be repaid, (2) the minimum amount necessary to accomplish the purposes of sections 1688 to 1693 of this title, or 25 per centum of the funds appropriated pursuant to section 1688 of this title. No loan guarantee shall guarantee more than 90 per centum of the outstanding amount of any loan, and the reserves maintained to guarantee the loan shall not be less than 25 per centum of the guarantee.

(Pub. L. 92-257, § 3, Mar. 21, 1972, 86 Stat. 87.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1688, 1692 of this title.

§ 1691. Fiscal control and accounting procedures for plan for use of grant

The plan provided for in section 1689 of this title shall set forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

(Pub. L. 92-257, § 4, Mar. 21, 1972, 86 Stat. 88.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1688, 1690, 1692 of this title.

§ 1692. Annual report on administration of Trust Territory Economic Development Fund

The High Commissioner of the Trust Territory of the Pacific Islands shall make an annual report to the Secretary of the Interior on the administration of sections 1688 to 1693 of this title.

(Pub. L. 92-257, § 5, Mar. 21, 1972, 86 Stat. 88.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1688, 1690 of this title.

§ 1693. Audit of government; access to books, records, etc.

The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any relevant books, documents, papers, or records of the government of the Trust Territory of the Pacific Islands.

(Pub. L. 92-257, § 6, Mar. 21, 1972, 86 Stat. 88.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1688, 1690, 1692 of this title.

CHAPTER 15—CONVEYANCE OF SUBMERGED LANDS TO TERRITORIES

Sec.
1701 to 1703. Repealed.
1704. Concurrent jurisdiction; exceptions for national defense purposes.
1705. Tidelands, submerged lands, or filled lands.
(a) Conveyance to Guam, Virgin Islands, and American Samoa.
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(d) Status of lands beyond the three-mile limit.
1707. Payment of rents, royalties, and fees to local government.
1708. Discrimination prohibited in rights of access to, and benefits from, conveyed lands.

§§ 1701 to 1703. Repealed. Pub. L. 93-435, § 5, Oct. 5, 1974, 88 Stat. 1212

Section 1701, Pub. L. 88-183, § 1, Nov. 20, 1963, 77 Stat. 338, related to the authority of the Secretary of the Interior to transfer tidelands, submerged lands, and filled lands to the governments of Guam, Virgin Islands, and American Samoa with certain restrictions and conditions. See section 1705 of this title.

Section 1702, Pub. L. 88-183, § 2, Nov. 20, 1963, 77 Stat. 339, related to the administrative responsibility

of the Secretary of the Interior for tidelands, submerged lands, and filled lands in adjacent to Guam, Virgin Islands, and American Samoa. See sections 1705 to 1708 of this title.

Section 1703, Pub. L. 88-183, § 3, Nov. 20, 1963, 77 Stat. 339, related to certain rights reserved for the United States for purposes of defense, navigation, flood control, commerce and international affairs. See section 1706 of this title.

§ 1704. Concurrent jurisdiction; exceptions for national defense purposes

(a) Except as otherwise provided in this section, the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, shall have concurrent jurisdiction with the United States over parties found, acts performed, and offenses committed on property owned, reserved, or controlled by the United States in Guam, the Virgin Islands, and American Samoa. A judgment of conviction or acquittal on the merits under the laws of Guam, the Virgin Islands, or American Samoa shall be a bar to any prosecution under the criminal laws of the United States for the same act or acts, and a judgment of conviction or acquittal on the merits under the laws of the United States shall be a bar to any prosecution under the laws of Guam, the Virgin Islands, or American Samoa for the same act or acts.

(b) Notwithstanding the provisions of subsection (a) of this section, the President may from time to time exclude from the concurrent jurisdiction of the government of Guam persons found, acts performed, and offenses committed on the property of the United States which is under the control of the Secretary of Defense to such extent and in such circumstances as he finds required in the interest of the national defense.

(Pub. L. 88-183, § 4, Nov. 20, 1963, 77 Stat. 339.)

References in Text

The criminal laws of the United States, referred to in subsec. (a), are classified generally to Title 18, Crimes and Criminal Procedure.

§ 1705. Tidelands, submerged lands, or filled lands

(a) Conveyance to Guam, Virgin Islands, and American Samoa

Subject to valid existing rights, all right, title, and interest of the United States in lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastlines of the territories of Guam, the Virgin Islands, and American Samoa, as heretofore or hereafter modified by accretion, erosion, and reliction, and in artificially made, filled in, or reclaimed lands which were formerly permanently or periodically covered by tidal waters, are hereby conveyed to the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, to be administered in trust for the benefit of the people thereof.

(b) Retention of certain lands and mineral rights by United States

There are excepted from the transfer made by subsection (a) hereof—

(i) all deposits of oil, gas, and other minerals, but the term "minerals" shall not include coral, sand, and gravel;

(ii) all submerged lands adjacent to property owned by the United States above the line of mean high tide;

(iii) all submerged lands adjacent to property above the line of mean high tide acquired by the United States by eminent domain proceedings, purchase, exchange, or gift, after October 5, 1974, as required for completion of the Department of the Navy Land Acquisition Project relative to the construction of the Ammunition Pier authorized by the Military Construction Authorization Act, 1971 (84 Stat. 1204), as amended by section 201 of the Military Construction Act, 1973 (86 Stat. 1135);

(iv) all submerged lands filled in, built up, or otherwise reclaimed by the United States, before October 5, 1974, for its own use;

(v) all tracts or parcels of submerged land containing on any part thereof any structures or improvements constructed by the United States;

(vi) all submerged lands that have heretofore been determined by the President or the Congress to be of such scientific, scenic, or historic character as to warrant preservation and administration under the provisions of sections 1 and 2 to 4 of title 16;

(vii) all submerged lands designated by the President within one hundred and twenty days after October 5, 1974;

(viii) all submerged lands that are within the administrative responsibility of any agency or department of the United States other than the Department of the Interior;

(ix) all submerged lands lawfully acquired by persons other than the United States through purchase, gift, exchange, or otherwise;

(x) all submerged lands within the Virgin Islands National Park established by sections 398 to 398b of title 16, including the lands described in sections 398c and 398d of title 16; and

(xi) all submerged lands within the Buck Island Reef National Monument as described in Presidential Proclamation 3448 dated December 28, 1961.

Upon request of the Governor of Guam, the Virgin Islands, or American Samoa, the Secretary of the Interior may, with or without reimbursement, and subject to the procedure specified in subsection (c) of this section convey all right, title, and interest of the United States in any of the lands described in clauses (ii), (iii), (iv), (v), (vi), (vii), or (viii) of this subsection to the government of Guam, the Virgin Islands, or American Samoa, as the case may be, with the concurrence of the agency having custody thereof.

(c) Submittal to Congressional Committees of proposals for conveyance of retained lands or rights

No conveyance shall be made by the Secretary pursuant to this section until the expiration of sixty calendar days (excluding days on which the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain)

from the date on which the Secretary of the Interior submits to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate an explanatory statement indicating the tract proposed to be conveyed and the need therefor, unless prior to the expiration of such sixty calendar days both committees inform the Secretary that they wish to take no action with respect to the proposed conveyance.

(Pub. L. 93-435, § 1, Oct. 5, 1974, 88 Stat. 1210.)

REFERENCES IN TEXT

The authorization for the construction by the Navy of the Ammunition Pier under the Military Construction Authorization Act, 1971, (84 Stat. 1204), referred to in subsec. (b)(iii), is contained in section 201 of Pub. L. 91-511, Oct. 26, 1970, 84 Stat. 1204, as amended by section 201 of Pub. L. 92-545, Oct. 25, 1972, 86 Stat. 1138, which was not classified to the Code.

Section 398b of title 16, referred to in subsec. (b)(x), was repealed by Pub. L. 85-404, May 16, 1958, 72 Stat. 112.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate, referred to in subsec. (c), was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

PROC. NO. 4346. RESERVING CERTAIN LANDS ADJACENT TO AND ENLARGING BOUNDARIES OF BUCK ISLAND REEF NATIONAL MONUMENT IN VIRGIN ISLANDS

Proc. No. 4346, eff. Feb. 1, 1975, 40 F.R. 5127, as amended by Proc. No. 4359, eff. Mar. 28, 1975, 40 F.R. 14565, provided:

The Buck Island Reef National Monument, situated off the northeast coast of Saint Croix Island in the Virgin Islands of the United States, was established by Proclamation No. 3443 of December 28, 1961 (76 Stat. 1441). It now has been determined that approximately thirty acres of submerged land should be added to the monument site in order to insure the proper care and management of the shoals, rocks, undersea coral reef formations and other objects of scientific and historical interest pertaining to this National Monument.

These thirty acres of submerged lands are presently owned in fee by the United States. They will be conveyed to the Government of the Virgin Islands on February 3, 1975, pursuant to Section 1(a) of Public Law 93-435 (88 Stat. 1210) [subsec. (a) of this section], unless the President, under Section 1(b)(vii) of that Act [subsec. (b)(vii) of this section], designates otherwise.

Under Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), the President is authorized to declare by public Proclamation objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. The aforementioned thirty acres of submerged lands are contiguous to the site of the Buck Island Reef National Monument, constitute a part of the ecological community of the Buck Island Reef, and will not enlarge the monument boundaries beyond the smallest area compatible with its proper care and management.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 1(b)(vii) of Public Law 93-435 (88 Stat. 1210) [subsec. (b)(vii) of this section], do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of the Virgin Islands under Section 1(a) of Public Law 93-435 [subsec. (a) of this section]; and, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do hereby proclaim that, subject to valid existing rights, the lands hereinafter described are hereby added to and made a part of the Buck Island Reef National Monument, and Proclamation No. 3443 of December 28, 1961, establishing the Buck Island Reef National Monument is amended accordingly.

Beginning at latitude 17°47'30" N. longitude 64°36'32" W; thence approximately 1000 feet to latitude 17°47'27" N, longitude 64°36'22" W; thence approximately 900 feet to latitude 17°47'18" N, longitude 64°36'22" W; thence approximately 1000 feet to latitude 17°47'15" N, longitude 64°36'32" W; thence approximately 1500 feet to latitude 17°47'30" N, longitude 64°36'32" W, then place of beginning, embracing an area of approximately 30 acres.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD.

PROC. NO. 4347. RESERVING CERTAIN SUBMERGED LANDS ADJACENT TO ROSE ATOLL NATIONAL WILDLIFE REFUGE IN AMERICAN SAMOA AND CERTAIN SUBMERGED LANDS FOR DEFENSE NEEDS OF UNITED STATES IN GUAM AND VIRGIN ISLANDS

Proc. No. 4347, eff. Feb. 1, 1975, 40 F.R. 5129, provided:

The submerged lands surrounding the Rose Atoll National Wildlife Refuge in American Samoa are necessary for the protection of the Atoll's marine life, including the green sea and hawksbill turtles. The submerged lands in Apra Harbor and those adjacent to Inapsan Beach and Urano Point in Guam, and certain submerged lands on the west coast of St. Croix, United States Virgin Islands are required for national defense purposes. These submerged lands in American Samoa, Guam and the United States Virgin Islands will be conveyed to the Government of those territories, on February 3, 1975, pursuant to Section 1(a) of Public Law 93-435 (88 Stat. 1210) [subsec. (a) of this section], unless the President, under Section 1(b)(vii) of that Act [subsec (b)(vii) of this section], designates otherwise.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of authority vested in me by Section 1(b)(vii) of Public Law 93-435 (88 Stat. 1210) [subsec. (b)(vii) of this section], do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of American Samoa, the Government of Guam and the Government of the United States Virgin Islands under Section 1(a) of Public Law 93-425. [subsec. (a) of this section].

American Samoa. The submerged lands adjacent to Rose Atoll located 78 miles east-southeast of Tau Island in the Manua Group at latitude 14°32'52" south and longitude 168°08'34" west, which lands shall be under the joint administrative jurisdiction of the Department of Commerce and the Department of the Interior.

Guam. (1) The submerged lands of inner and outer Apra Harbor; and, (2) the submerged lands adjacent to the following uplands: (a) Unsurveyed land, Municipality of Machanao, Guam, as delineated on Commander Naval Forces. Marianas Y & D Drawing Numbered 597-464, lying between the seaward boundaries of Lots Numbered 9992 through 9997 and the mean high tide, containing an undetermined area of land, (b) unsurveyed land, Municipality of Machanao, Guam, as delineated on Commander Naval Forces, Marianas Y & D Drawing Numbered 597-464, lying between the seaward boundary of Lot Numbered 10080 and the line of mean high tide, containing an undetermined amount of land, and (c) Lot Numbered PO 4.1

in the Municipality of Machanao, Guam, as delineated on Y & D Drawing Numbered 597-464, more particularly described as surveyed land bordered on the north by Lot Numbered 10080, Machanao, east by Northwest Air Force Base, south by U. S. Naval Communication Station (Finegayan) and west by the sea containing a computed area of 125.50 acres, more or less. All of the above lands within the territory of Guam shall be under the administrative jurisdiction of the Department of the Navy.

The Virgin Islands. (1) The submerged lands as described in the Code of Federal Regulations revised as of July 1, 1974, cited as 33 CFR 207.817 areas "A" & "B", (2) the submerged lands seaward of the 100 fathom curve off the coast of St. Croix beginning at a point 17°40'30" N and ending at a point 17°46'30" North as depicted on Coast and Geodetic Survey Chart Numbered 25250, Third Edition; Title: St. Croix, Virgin Islands Underwater Range, and (3) the submerged lands seaward of the Underwater Range Operational Control Center, St. Croix, Virgin Islands presently leased to the Department of the Navy and described as Plot #18 of Estate Sprat Hall subdivision, located in northside Quarter "A", St. Croix containing 4.84 acres of land. All of the above lands within the territory of the Virgin Islands shall be under the administrative jurisdiction of the Department of the Navy.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1706, 1707, 1708 of this title.

§ 1706. Reserved rights

(a) Establishment of naval defense sea areas and airspace reservations

Nothing in this Act shall affect the right of the President to establish naval defensive sea areas and naval airspace reservations around and over the islands of Guam, American Samoa, and the Virgin Islands when deemed necessary for national defense.

(b) Navigation; flood control; power production

Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of the lands transferred by section 1705 of this title, and the navigable waters overlying such lands, for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control or the production of power.

(c) Navigational servitude and powers of regulation for purposes of commerce, navigation, national defense, and international affairs

The United States retains all of its navigational servitude and rights in and powers of regulation and control of the lands conveyed by section 1705 of this title, and the navigable waters overlying such lands, for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically conveyed to the government of Guam, the Virgin Islands, or American Samoa, as the case may be, by section 1705 of this title.

(d) Status of lands beyond the three-mile limit

Nothing in this Act shall affect the status of lands beyond the three-mile limit described in section 1705 of this title.

(Pub. L. 93-435, § 2, Oct. 5, 1974, 88 Stat. 1211.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (b), and (d), is Pub. L. 93-435, Oct. 5, 1974, 88 Stat. 1210, which enacted sections 1705 to 1708 of this title, amended section 1545 of this title, and repealed sections 1701 to 1703 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1707, 1708 of this title.

§ 1707. Payment of rents, royalties, and fees to local government

On and after October 5, 1974, all rents, royalties, or fees from leases, permits, or use rights, issued prior to October 5, 1974, by the United States with respect to the land conveyed by this Act, or by the amendment made by this Act, and rights of action for damages for trespass occupancies of such lands shall accrue and belong to the appropriate local government under whose jurisdiction the land is located.

(Pub. L. 93-435, § 4, Oct. 5, 1974, 88 Stat. 1212.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 93-435, Oct. 5, 1974, 88 Stat. 1210, which enacted sections 1705 to 1708 of this title, amended section 1545 of this title, and repealed sections 1701 to 1703 of this title. For complete classification of this Act to the Code, see Tables volume.

The amendment made by this Act, referred to in text, means the amendment made by section 3 of Pub. L. 93-435 to section 1545(b) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1706, 1708 of this title.

§ 1708. Discrimination prohibited in rights of access to, and benefits from, conveyed lands

No person shall be denied access to, or any of the benefits accruing from, the lands conveyed by this Act, or by the amendment made by this Act, on the basis of race, religion, creed, color, sex, national origin, or ancestry: *Provided, however,* That this section shall not be construed in derogation of any of the provisions of the April 17, 1900 cession of Tutuila and Aunuu or the July 16, 1904 cession of the Manu's Islands, as ratified by the Act of February 20, 1929 (45 Stat. 1253) and the Act of May 22, 1929, (46 Stat. 4).

(Pub. L. 93-435, § 6, Oct. 5, 1974, 88 Stat. 1212.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 93-435, Oct. 5, 1974, 88 Stat. 1210, which enacted sections 1705 to 1708 of this title, amended section 1545 of this title, and repealed sections 1701 to 1703 of this title. For complete classification of this Act to the Code, see Tables volume.

The amendment made by this Act, referred to in text, means the amendment made by section 3 of Pub. L. 93-435 to section 1545(b) of this title.

Act of February 20, 1929 (45 Stat. 1253), referred to in text, is act Feb. 20, 1929, ch. 281, 45 Stat. 1253, which enacted section 1661 of this title.

Act of May 22, 1929 (46 Stat. 4), referred to in text, is act May 22, 1929, ch. 6, 46 Stat. 4, which amended section 1661 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1706, 1707 of this title.

CHAPTER 16—DELEGATES TO CONGRESS FROM GUAM AND VIRGIN ISLANDS

Sec.

1711. Delegate to House of Representatives from Guam and Virgin Islands.
1712. Election of delegates; majority; runoff election; vacancy; commencement of term.
1713. Qualifications for Office of Delegate.
1714. Territorial legislature; determination of election procedure.
1715. Operation of Office; House privileges; compensation, allowances, and benefits; privileges and immunities; voting in committee; clerk hire and transportation expenses.

§ 1711. Delegate to House of Representatives from Guam and Virgin Islands

The territory of Guam and the territory of the Virgin Islands each shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.

(Pub. L. 92-271, § 1, Apr. 10, 1972, 86 Stat. 118.)

§ 1712. Election of delegates; majority; runoff election; vacancy; commencement of term

(a) The Delegate shall be elected by the people qualified to vote for the members of the legislature of the territory he is to represent at the general election of 1972, and thereafter at such general election every second year thereafter. The Delegate shall be elected at large, by separate ballot and by a majority of the votes cast for the office of Delegate. If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

(b) The term of the Delegate shall commence on the third day of January following the date of the election.

(Pub. L. 92-271, § 2, Apr. 10, 1972, 86 Stat. 119.)

§ 1713. Qualifications for Office of Delegate

To be eligible for the Office of Delegate a candidate must—

(a) be at least twenty-five years of age on the date of the election,

(b) have been a citizen of the United States for at least seven years prior to the date of the election

(c) be an inhabitant of the territory from which he is elected, and

(d) not be, on the date of the election, a candidate for any other office.

(Pub. L. 92-271, § 3, Apr. 10, 1972, 86 Stat. 119.)

§ 1714. Territorial legislature; determination of election procedure

The legislature of each territory may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for herein.

(Pub. L. 92-271, § 4, Apr. 10, 1972, 86 Stat. 119.)

§ 1715. Operation of Office; House privileges; compensation, allowances, and benefits; privileges and immunities; voting in committee; clerk hire and transportation expenses

The Delegate from Guam and the Delegate from the Virgin Islands shall have such privileges in the House of Representatives as may be afforded him under the Rules of the House of Representatives. Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from each territory shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to the Resident Commissioner for Puerto Rico: *Provided,* That the right to vote in committee shall be as provided by the Rules of the House of Representatives: *Provided further,* That the clerk hire allowance of each Delegate shall be a single per annum gross rate that is 60 per centum of the clerk hire allowance of a Member: *Provided further,* That the transportation expenses of each Delegate that are subject to reimbursement under section 43b of title 2 shall not exceed the cost of four round trips each year.

(Pub. L. 92-271, § 5, Apr. 10, 1972, 86 Stat. 119.)